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CITEJA AND THE LEGAL COMMITTEE OF ICAO

by Stephen Latchford

This article explains: (1) CITEJA activities since July 1946; (2) CITEJA's part in the development of certain private air law projects; (3) action taken on several of these projects by the International Civil Aviation Organization, Montreal, including one on recognition of rights in aircraft; and (4) establishment and program of the new Legal Committee of ICAO, whose functions will include taking over of past CITEJA activities.

The 15th Plenary Session of CITEJA was opened at Cairo on November 14, 1946, and concluded its meetings on November 17, 1946. The several commissions of the CITEJA held meetings at the same place beginning on November 6 and continuing to November 16, 1946. The following countries were represented at Cairo: Australia, Belgium, Brazil, Canada, Czechoslovakia, Denmark, Egypt, France, Great Britain, Greece, Italy, Luxembourg, Norway, the Netherlands, Poland, Portugal, Spain, Sweden, Switzerland, and the United States. Of the countries listed, Czechoslovakia was represented by an observer. A representative of each of the following international organizations assisted in the discussions: the Provisional International Civil Aviation Organization, the International Labor Organization, and the International Chamber of Commerce.¹

The principal projects considered by the CITEJA at Cairo were the status of the aircraft commander, the revision of the Warsaw convention of 1929 concerning the liability of the air-transport operator in international transportation, and the proposed convention on the recognition of rights in aircraft. A brief historical description of the development of these projects follows.

Legal Status of the Aircraft Commander

A draft convention on the legal status of the aircraft commander was adopted provisionally by the CITEJA at its Sixth Session, held at Paris on October 23 and 24, 1931. The 1931 draft on the commander was never referred to an international conference on private air law for final adoption and signature. For some years after the adoption of the draft on the status of the commander in 1931, the CITEJA had under consideration a proposed convention on the legal status of the aeronautic navigating personnel. A number of drafts of the proposed convention on this subject were prepared by the Fourth Commission of CITEJA, and the question whether the draft on the commander should be combined with a draft on the navigating personnel was given consideration on several occasions. The proposed conven-

¹The United States Delegation to the Cairo meeting consisted of Emory T. Nunneley, Jr., general counsel, Civil Aeronautics Board, *Chairman*; John C. Cooper, of the Institute for Advanced Study; Richard E. Elwell, general counsel, Civil Aeronautics Administration; Arnold W. Knauth, specialist in maritime and aviation law, Department of Justice; Edward C. Sweeney, professor of law, Northwestern University Law School; and Stuart G. Tipton, general counsel, Air Transport Association of America.

tion on the status of the navigating personnel defined certain principles governing the making of the contracts of employment of the navigating personnel of aircraft, the jurisdiction of the commander of the aircraft over the personnel while in foreign countries, the rights of the crew as far as concerned their welfare during their stay in such countries, and the obligation of the employers to repatriate members of the crew upon termination of their services.

At its 15th Plenary Session in Cairo the CITEJA adopted a proposed convention on the legal status of the aircraft commander after reviewing the principles set forth in its 1931 draft. The draft adopted at Cairo in November 1946 does not include provisions relating to the status of members of the crew other than the commander. The members of the United States Section of CITEJA were in accord with the decision to deal only with the status of the commander and to withhold action on a proposed convention containing provisions concerning the status of the navigating personnel of aircraft. As stated above, the CITEJA project on this subject contained provisions relating to the contract of employment which would ordinarily be a matter for negotiation between the crew members and the operators of aircraft.

The CITEJA adopted a resolution at Cairo in November 1946 requesting its Secretary General to transmit the draft convention on the status of the commander, as approved at Cairo, to the states having representation on the CITEJA, as well as to the Provisional International Civil Aviation Organization (PICAO), with the recommendation that the draft be submitted for approval to an international conference on private air law convened by PICAO. In taking this action the CITEJA authorized its reporter for this subject to make such amendment of the draft as might be necessary to bring it into line with the decisions reached at Cairo in the formulation of the draft. The CITEJA project was considered by a PICAO *ad hoc* committee, which included the CITEJA reporter, and a few changes in the draft were made by that committee mainly for the purpose of having it conform to the decisions reached at Cairo.

The proposed convention provides that every aircraft, other than military, customs, or police

aircraft, of a contracting state, or operated by a national of such state, performing an international flight shall carry one person vested with the powers of a commander, and specifies the members of the crew, in the order of priority, who shall perform the duties of commander in the absence of any designated commander or in case he is prevented from performing his duties. Among other important provisions of the proposed convention are those dealing with the powers of the commander over the members of the crew and passengers and the conditions under which the commander would have the right to bind his principal for necessary expenses in connection with the trip, such as for repairs, insuring safety of passengers, preservation of cargo, and the hiring of needed personnel.

The draft convention was placed on the agenda of Commission IV of the First Assembly of the International Civil Aviation Organization (ICAO) which met at Montreal in May 1947. However, the time of Commission IV, which dealt with legal matters, was so much taken up by compliance with requests of the Assembly for legal opinions, the consideration of the proposed convention on the recognition of rights in aircraft, and the drafting of recommendations pertaining to the establishment of the new Legal Committee of ICAO, which will take over CITEJA activities, that Commission IV did not find it possible to give consideration to the proposed convention on the status of the aircraft commander.

Revision of the Warsaw Convention of 1929

The delegates to the First International Conference on Private Air Law held in Paris in 1929 adopted a proposed convention dealing with the liability of the air-transport operator for damages to persons and property in international transportation. This conference also provided for the creation of CITEJA. The draft convention as adopted in Paris in 1929 was referred to the CITEJA for such revision as it might deem appropriate. The draft convention as modified by CITEJA and adopted by it at its third session in May 1928 was referred to the Second International Conference on Private Air Law held at Warsaw in October 1929. The convention as now in force was signed at Warsaw on October 12, 1929. This convention, to which the United

States and many other countries are parties,² sets forth the conditions under which the air-transport operator is liable for damages to passengers and property carried in international transportation. Under the terms of the convention there is a presumption of liability against the carrier for damages resulting from injury to passengers (article 17), loss of or damage to baggage or goods (article 18), or delay in the transportation of passengers, baggage, or goods (article 19). The carrier is not liable if he proves that he and his agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures (article 20). In the transportation of goods and baggage the carrier is not liable if he proves that the damage was occasioned by an error in piloting, in the handling of the aircraft, or in navigation and that, in all other respects, he and his agents have taken all necessary measures to avoid the damage (article 20). If the carrier proves that the damage was caused by or contributed to by the negligence of the injured person, the Court may, in accordance with the provisions of its own law, exonerate the carrier wholly or partly from his liability (article 21). The carrier is permitted to claim a limitation of his liability under the conditions set forth in the convention, with respect to passengers and property, and the limits of such liability are established in article 22. The carrier is not entitled to avail himself of the provisions of the convention which limit his liability, if the damage is caused by his wilful misconduct or by such default on his part as, in accordance with the law of the Court to which the case is submitted, is considered to be equivalent to wilful misconduct (article 25). Similarly the carrier is not entitled to avail himself of the provisions referred to if the damage is caused under the same circumstances by any agent of the carrier acting within the scope of his employment (article 25). The Warsaw convention also contains detailed provisions relating to the form and legal effect of air-transport documents consisting of baggage checks, passenger tickets, and air waybills.

The matter of the possible revision of the Warsaw convention has been under consideration by CITEJA for some time. At its 14th Plenary Session, held at Paris in January 1946, the CITEJA

adopted a number of proposed amendments to the Warsaw convention, most of which were of a clarifying nature. These proposed amendments were submitted by CITEJA to PICAO for consideration by the Interim Assembly of PICAO, which was convened at Montreal in May 1946. The Interim Assembly adopted a resolution providing that the matter of amendment of the Warsaw convention be referred back to CITEJA with a request that CITEJA, or any other body which may succeed to the functions of CITEJA, should review the entire convention for the purpose of considering the need of a more complete and extensive revision thereof in the light of recent experience in air transportation, and of technical studies being undertaken by PICAO, the International Air Transport Association (IATA), and others. The resolution also invited the states represented at the Interim Assembly to furnish to the Interim Council at Montreal an expression of views on the question of amending the convention and provided that if the need was indicated of a more complete and extensive revision of the convention than had been proposed by CITEJA in 1946, the Interim Council would present to the next Assembly either appropriate amendments to the present convention or a new draft convention on the same subject matters as are comprised in the Warsaw convention.

During the CITEJA meetings in Cairo in November 1946 there was an extended discussion in the Second Commission of CITEJA regarding the proposed revision of the Warsaw convention. It was the general feeling of those present at Cairo that a revision of the convention should not be undertaken at this time and that further experience in the application of the provisions of the convention, in the light of the present expansion of international air transportation, should be acquired before undertaking a revision of the convention. The CITEJA therefore adopted a resolution at Cairo transmitting to PICAO a report³ and draft project on the revision of the Warsaw convention, submitted by the CITEJA reporter

² Treaty Series 876.

³ This report, to which a proposed revised Warsaw convention was attached, was prepared by the reporter in September 1946. The text of the report will be found on pp. 29-47, inclusive, of the report of the Interim

(Footnote continued on next page)

for this subject, together with a résumé of the discussions on the project by the Second Commission and the minutes of the meetings at which the discussions took place. The CITEJA resolution contained a recommendation that the PICAQ or its successor, ICAO, should undertake the study of this question through its proposed Committee on International Air Law⁴ or otherwise and that the interested states should receive copies of the documents referred to in the resolution as a basis for preliminary study prior to the meeting of the First Assembly of ICAO.

Draft Convention on the Recognition of Rights in Aircraft⁵

Two CITEJA projects on this subject were adopted by the CITEJA in 1931; one related to aircraft mortgages and other property rights in aircraft, and the other provided for the maintenance by each contracting state of a special register or aircraft property record on which transfers of property interests in aircraft were required to be recorded. The delegates to the Chicago Civil Aviation Conference of 1944 adopted a resolution⁶ stating that the sale of aircraft to be used in international operations rendered it desirable for the various governments to reach a common understanding on the legal questions involved in the transfer of title to aircraft and recommending that consideration be given to the early calling of an international conference on private international air law for the purpose of adopting a convention dealing with the transfer of title to aircraft. It was further recommended in the resolu-

FOOTNOTE⁷—Continued from page 489

Council of PICAQ (Part II) to the First Assembly of ICAO. The text of the proposed revised convention will be found on pp. 48-66, inclusive, of the same document. After the Cairo session of CITEJA the reporter prepared a new report which appears in ICAO doc. 4498 LC/7, June 17, 1947, and a new proposed revised Warsaw convention, the text of which appears in the report of the Interim Council of PICAQ (Part II), pp. 80-102, inclusive. This draft convention was prepared with a view to its possible consideration by the First Assembly of ICAO, which did not, however, find it possible to give it consideration.

⁴ The organization of this proposed Committee on International Air Law was provided for in resolution XXXI of the Interim Assembly of PICAQ. For the text of this resolution see BULLETIN of Nov. 17, 1946, p. 883.

⁵ ICAO doc. 4494 LC/3, July 2, 1947.

⁶ Resolution no. V.

tion that such conference include in the bases of discussions the two draft conventions adopted by CITEJA in 1931. However, as it did not appear feasible to hold such an international conference soon after the Chicago conference, the Government of the United States inquired of other governments whether they would be disposed to authorize signature on their behalf of two conventions based upon the CITEJA 1931 drafts but containing some modifications suggested by this Government. However, there was not a sufficient number of favorable responses to warrant the drawing up of revised conventions for signature.

At its session in Paris in January 1946, the CITEJA decided to transmit its 1931 texts to PICAQ at Montreal for consideration by the Interim Assembly of PICAQ which held meetings in May and June of 1946. Commission IV, the Legal Commission of the Interim Assembly, went thoroughly into the aircraft mortgage problem, taking into consideration the existing projects, and found that because of the great difficulty of harmonizing the conflicting principles of the laws of the various countries with regard to property rights in aircraft, the preparation of an acceptable convention for signature by the Interim Assembly would be extremely difficult if not impracticable. Nevertheless, Commission IV succeeded in drawing up a single text of a draft convention taking into consideration the two texts adopted by CITEJA in 1931 and other proposals. As the result of the deliberations of Commission IV, a number of important modifications of the CITEJA texts were made.

Pursuant to Resolution XXXII of the Interim Assembly, the Council of PICAQ sent the text as prepared by Commission IV to the various governments with a questionnaire requesting a statement of their views with regard to certain fundamental principles covered by the combined text as drafted by Commission IV. The CITEJA, which met in Cairo in November 1946, and other interested parties were also invited in Resolution XXXII of the Interim Assembly to submit comments. These views were requested in order that they might be available for study by a PICAQ *ad hoc* committee. During the sessions at Cairo the CITEJA discussed the proposed convention and transmitted its recommendations to PICAQ.

An *ad hoc* committee of PICAQ met in Paris

on February 17, 1947, and prepared a new text,⁷ after taking into consideration the various proposals submitted pursuant to Resolution XXXII of the Interim Assembly. The text drawn up by the *ad hoc* committee in Paris was one of the items placed on the agenda of Commission IV of the First Assembly of the International Civil Aviation Organization (ICAO), which met at Montreal on May 6, 1947. When this text came before Commission IV it developed that it would not be possible to agree on the draft of a convention that could be drawn up for signature on behalf of the various governments, since there were still conflicting views on fundamental issues which could not be reconciled in time for the preparation of a definitive text. However, Commission IV succeeded in producing a new draft,⁸ which was placed on the agenda of the new Legal Committee of ICAO established by the First Assembly of ICAO. The documentation for the first meeting of the Legal Committee, to which this subject was referred, included the text prepared by the PICAO *ad hoc* committee which met in Paris on February 17, 1947. The Legal Committee will take over from CITEJA the development of private international air law projects. In drawing up this new text Commission IV prepared a list of questions concerning the text in order that the list might be submitted to interested governments for a statement of their views.

The primary purpose of the proposed convention is to provide a system for recording title, mortgages, and other property interests in aircraft and to secure the international recognition of such recorded rights so that mortgage creditors and others having rights against aircraft as security for debt claims may be duly protected when such aircraft are navigated in countries other than the country whose nationality the aircraft possesses.

United States authorities have urged (1) that the proposed convention permit the utilization of the so-called fleet mortgage principle in aircraft financing—that is, whenever a fleet of aircraft is to be purchased and a single loan made to cover the entire cost of the fleet, the parties may provide that each aircraft shall constitute security for the entire debt. This is what is known as a fleet mortgage. It is felt that financing the sale of aircraft

would be greatly facilitated, with the resulting encouragement of the development of international air transportation, if a fleet mortgage obtained in a contracting state and duly recorded under the proposed convention were given full recognition in other contracting states; (2) that a mortgage or other security given on aircraft also may be extended to cover spare parts stored abroad. Since the cost of such parts may be relatively heavy, it is felt that the provision for financing the sale of aircraft would not be adequately taken care of without the inclusion of spare parts; and (3) that the type of security granted recognition should not be limited to mortgages as the term is generally understood but should be extended to other forms of security such as the equipment trust. United States representatives at international meetings have experienced considerable difficulty in obtaining general acceptance of these three principles, even though they would apply only to foreign registered aircraft, on the ground that difficulties would be experienced under local laws and practices in applying the terms of the proposed convention to a fleet of aircraft and to spare parts and in having the convention cover various types of securities. United States representatives have insisted that the benefits to international air transportation to be derived from the inclusion of the principles advocated would far outweigh any apparent inconvenience or conflict with local laws and practices, which it is felt could be made to conform to the terms of the proposed convention.

CITEJA Resolution No. 156 *

THE CITEJA

Considering its resolution dated January 29, 1946, concerning the relations between CITEJA and PICAO, the resolution of the PICAO Assembly dated June 9, 1946, and the decision of the PICAO Council dated October 23, 1946,

Considering the importance of having the work of codification of private international air law, which it has undertaken, carried on under the best possible conditions,

* The *ad hoc* committee text now appears in ICAO doc. 4494 LC/3, July 2, 1947.

* This new text appears in ICAO doc. 4494 LC/3, July 2, 1947. It is identical with Annex I to Appendix "F" of the Final Report of Commission IV, doc. 4382, A1-L/65.

* This resolution deals with the organization of the new Committee on International Air Law and expresses appreciation of the support given to the CITEJA by the French Government and of the services rendered by the CITEJA secretariat.

I. Expresses the hope:

1.) That the methods adopted by CITEJA in the preparation of texts with which it has been entrusted be retained by the Committee on International Air Law, the establishment of which has been decided upon by the PICAO Assembly; and particularly, that the practice be followed of appointing a member of the Committee as a reporter for each project under study;

2.) That the meetings of the Committee on International Air Law be fixed, taking into account:

a) the numerous changes necessary to solve the difficulties involved in the methodical preparation of texts on international air law;

b) the difficulties experienced by the various governments in order to assure their proper representation, and the financial burdens imposed upon them by this representation,

That, for this reason, one of the sessions of the above-mentioned Committee be held concurrently with the holding of the annual Assembly of the PICAO [ICAO¹⁰], the Committee having the right to decide to convene its subcommittees at such time and place as may be suitable;

3) That the Committee on International Air Law have the power to choose its President from among its members;

4) That the draft conventions on international air law prepared by the Committee on International Air Law be submitted to the approval of conferences on international air law at which representation of the States may be duly assured, particularly in cases where such conferences are held concurrently with the annual Assemblies of PICAO [ICAO];

5) That the States which are members of CITEJA and not members of PICAO [ICAO], be invited to take part in the sessions of the Committee on International Air Law and in the sessions of the Conferences on International Air Law;

6) That the PICAO [ICAO] make use of the specialized personnel of the CITEJA Secretariat, and that the competence of the persons concerned, and the services rendered by them to CITEJA receive special consideration by the International Organization in the determination of their respective status and their new assignment within that Organization.

II. Requests

the governments of the States members of CITEJA to authorize the Secretary General to place at the disposal of the Committee on International Air Law the files and archives of the CITEJA.

¹⁰ It was evidently intended to refer to the International Civil Aviation Organization (ICAO), since the Provisional International Civil Aviation Organization (PICAO) has been succeeded by the permanent Organization (ICAO), provided for in the Chicago Civil Aviation Convention of 1944, which came into force on April 4, 1947.

¹¹ For a more detailed account of the sixteenth and final session of CITEJA see Department of State BULLETIN of June 29, 1947, p. 1291.

III. Instructs the President of CITEJA

to transmit to the Government of the French Republic the expression of its gratitude for the enlightened consideration and the generous support which it has given to the Committee [CITEJA] during the twenty years of its existence, and without which the carrying out of the work of the CITEJA would have been impossible.

IV. Addresses

to the Secretariat General of the CITEJA its thanks and congratulations for the constant devotion and the great competence which it has unceasingly lavished upon the CITEJA since its creation.

V. Addresses

to the personnel of the Secretariat its deep thanks for the conscientious work always accomplished and the unceasing devotion which it has shown in all circumstances, and

Remembers with feeling

Madam MAGNAN, who for twenty years was the valued collaborator of the Secretary General.

Uniformity of Definitions

In connection with its discussion of the Warsaw convention, the CITEJA adopted a resolution calling the attention of PICAO [ICAO] to the importance of employing the same definitions and expressions having the same meaning in all international aviation conventions and national laws on the subject and recommending that the Committee on International Air Law, when established, be requested to draw up progressively all the necessary definitions in collaboration with technical divisions of the International Civil Aviation Organization.

Sixteenth and Final Session of CITEJA at Montreal May 10 and May 22, 1947

Realizing the probability that the organization of a new committee which would take over CITEJA activities would be definitely provided for by the First Assembly of ICAO, CITEJA arranged to have its last session at Montreal, at the time of the meeting of the Assembly, for the purpose of arranging for its liquidation. Mr. Gregeren of Denmark, who had long been a member of CITEJA, was elected President of CITEJA for the session. Aside from taking action on a number of routine matters the principal item on the agenda was the consideration of a plan of liquidation presented by a United Kingdom member reporter. After a consideration of this plan it was decided to appoint a liquidating commission of three, consisting of a United Kingdom, French, and a Swiss member of CITEJA.¹¹

New Legal Committee of ICAO

Commission IV of the First Assembly of ICAO drew up a proposed constitution for the new Legal Committee of ICAO. Commission I, which dealt with the organizational structure of ICAO from the standpoint of general policy, indicated some disagreement with the text of the proposed constitution as drafted by Commission IV on the ground that it placed the Committee too much out of the jurisdiction of the Council of ICAO. A joint session of Commission I and a subcommittee of Commission IV was held for the purpose of considering Commission I's objections to the proposed constitution. The constitution as agreed upon by Commissions I and IV and approved by the Assembly on May 23, 1947, is as follows:¹²

I. The Legal Committee (hereinafter called the Committee) is a permanent Committee of the Organization constituted by the Assembly.

II. The objects of the Committee shall be:—

- a) to study and prepare draft conventions in connection with international air law with a view to their adoption by the greatest possible number of States;
- b) to provide, if so requested, by or through the Council or the Assembly, advice on legal matters of special importance to the Organization, including public and private air law, and the interpretation and amendment of the Convention, and
- c) to collaborate with other international organizations charged with the unification and codification of international law.

III. a) *Membership*—Each Contracting State may appoint one or more qualified members on the Committee.

b) *Votes*—Each Contracting State so represented shall have one vote in meetings of the Committee.

c) *Secretariat*—The Secretariat of the Committee shall be provided by the Organization.

d) *Meetings*—The Committee and its Sub-Committees shall arrange their own meetings, subject to the approval of the Council of the Organization.

e) *Officers and Rules of Procedure*—The Committee shall elect its own officers and shall fix its own rules of procedure; and shall, subject to the approval of the Council, determine the extent of participation (without the right to vote) of non-Contracting States and international organizations in meetings of the Committee.

IV. Every draft convention (and report thereon) prepared by the Committee in exercise of its functions under paragraph II (a) shall be transmitted to the Contracting States through the Council. They may also be transmitted to other international organizations concerned. Advice and reports concerning matters referred to in paragraph II (b) shall be transmitted to the body of the Organization seeking advice.¹³

Program of Work of the New Legal Committee

The following is taken from the Final Report of Commission IV:¹⁴

Commission No. IV

HAVING been directed by a resolution adopted by the Assembly on May 23rd, to prepare immediately a programme of the work to be undertaken by the Legal Committee during the ensuing year.

RESOLVES

That the following matters be included in the programme of the Legal Committee and that at least the Rules of Procedure of the Legal Committee and the draft convention concerning the recognition of rights in aircraft should be finalized during the coming year:

Rules of Procedure.

Draft convention concerning the recognition of rights in aircraft.

Revision of the Warsaw Convention.

Definitions of terms.

Revision of the Rome Convention.

Revision of the Brussels Protocol.

Limitation of responsibility.

Collision.

Draft convention concerning the legal status of the aircraft commander.

Settlement of form of consignment note for combined transport.

Draft convention concerning assistance to aircraft and by aircraft on land.

Convention on assistance and salvage of aircraft by aircraft at sea.

Authority of judgments by competent tribunals under conventions in force on air matters and distribution of allowances.

Hire and charter.

General average.

Remuneration for assistance and postal contribution to such expenses.

Abandonment.

Jettison.

Convention on precautionary attachment of aircraft.

The following explanation of most of the items

¹² ICAO doc. 4492 LC/1, May 23, 1947. It also appears as Appendix "A" to resolution A1-46 of resolutions adopted by the First Assembly of ICAO.

¹³ The convention referred to in paragraph II(b) is the Chicago convention on international civil aviation of 1944. The term *Organization* refers to the International Civil Aviation Organization (ICAO) embracing the Council and Assembly. A "contracting state" is one that is a party to the Chicago convention.

¹⁴ ICAO doc. 4495 LC/4, May 27, 1947. This document is identical with Appendix "D" of the Final Report of Commission IV of the First Assembly of ICAO (doc. 4382, A1-LE/65, May 24, 1947) approved by the Assembly on May 27, 1947.

on the program of work of the Legal Committee may be of interest.

The Warsaw convention is the convention for the unification of certain rules relating to international transportation by air, signed at Warsaw during the Second International Conference on Private International Air Law. A description of the convention is given in the present article.

Definitions of terms refers to a resolution adopted by the CITEJA at Cairo in November 1946, mentioned in the present article, calling attention to the importance of employing the same definitions and expressions having the same meaning in all the international aviation conventions and national laws on the subject.

The Rome convention is the convention for the unification of certain rules relating to damage caused by aircraft to third parties on the surface. This convention, which deals with the liability of operators of aircraft for damages caused by aircraft in flight to persons and property on the surface, was signed at Rome on May 29, 1933, during the Third International Conference on Private International Air Law.¹⁵

The Brussels protocol is a protocol supplementing the Rome convention of May 29, 1933, relating to damages caused by aircraft to persons and property on the surface. This protocol, which was signed at Brussels during the Fourth International Conference on Private Air Law, sets forth certain defenses that may be interposed by insurers against claims based upon the application of the Rome convention referred to above.

Limitation of responsibility is understood to relate to studies conducted by the CITEJA in the past concerning the effect on the operators of aircraft of an accumulation of liability under several conventions. It would appear to be possible for an operator to be liable in a single accident under the terms of two or more conventions developed or proposed by CITEJA.

Collision has to do with a proposed convention

¹⁵ For a translation of the convention see *Report of American Delegation to the Fourth International Conference on Private Air Law*, Brussels, September 1938, Annex "L", p. 86. Department of State publication 1401, Conference Series 42.

¹⁶ For a translation of the CITEJA draft see *ibid.*, Annex "E", p. 48.

¹⁷ For a translation of the convention signed at Brussels see *ibid.*, Annex "J", p. 75.

dealing with the liability of operators of aircraft in the event of aerial collisions. A draft convention on the subject as adopted by CITEJA at Bern in September 1936 was referred to the Fourth International Conference on Private Air Law at Brussels in September 1938, but the Brussels conference referred the project back to CITEJA for further study.¹⁶

The *settlement of the form of the consignment note for combined transport* is understood to refer to the use of air waybills under article 31 of the Warsaw convention of October 12, 1929, which article deals with combined transportation performed partly by air and partly by any other mode of transportation.

The *draft convention concerning assistance to aircraft and by aircraft on land* relates to a proposed convention which has been under consideration by CITEJA, setting forth the conditions under which the commander of an aircraft would be required to go to the assistance of another aircraft in distress on land and providing for the payment of indemnities and remuneration for assistance rendered.

The *convention on assistance and salvage of aircraft by aircraft at sea* is a completed convention signed at Brussels during the Fourth International Conference on Private Air Law. The convention places a certain obligation on the commander of an aircraft to render assistance to other aircraft in distress at sea and to surface vessels in need of assistance, and it also places an obligation on the master of a surface vessel to render assistance to aircraft in distress at sea. The convention contains provisions for the payment of indemnities and remuneration for assistance rendered.¹⁷

Authority of judgments by competent tribunals under conventions in force on air matters and distribution of allowances involves the extent to which courts of the various countries would enforce foreign judgments obtained under the provisions of private air law conventions.

Hire and charter is a subject that has been considered in connection with the proposed revision of the Warsaw convention of 1929. There has been considerable discussion of the question whether the terms of the Warsaw convention are applicable to charterers as well as to the operators of scheduled international air transport services, and as to whether chartering should be

specifically dealt with in any revision of the Warsaw convention. It is not known whether the new Legal Committee will undertake to deal with chartering as a separate subject. In all probability the matter will be carefully considered in any revision of the Warsaw convention.

General average is similar to the maritime doctrine where there is an adjustment of voluntary sacrifices of property on board for the preservation of the vessel. The subject of general average has received some consideration in connection with the proposed revision of the Warsaw convention of 1929. It is not known whether the new Legal Committee will undertake to consider the matter as a separate subject or only in connection with a possible revision of the Warsaw convention.

Remuneration for assistance and postal contribution to such expenses is understood to refer to the question whether postal matter saved in salvage operations should be required to share in the payment of salvage awards. Article 10 of the Brussels salvage convention of 1938, referred to above, provides that articles transported under the regime of postal conventions or of agreements relating to the postal service shall not be included in the property for the purpose of calculating the amount of remuneration to be paid for salvage services.

Abandonment is similar to the maritime practice in which a damaged vessel is abandoned by the owner for the benefit of creditors.

Jettison is similar to the maritime doctrine whereby goods may be thrown overboard to lighten a vessel in danger of being lost or wrecked. It is understood that under the maritime practice when a vessel is saved, the owner of goods it has been found necessary to jettison acquires a right of general average. It is of interest to note that a number of international air navigation agreements entered into in the past have provided that without the consent of the competent authorities of the country flown over no article or substance other than ballast could be unloaded or otherwise discharged from aircraft in flight, ballast being defined as consisting of fine sand or water only. The new Legal Committee will perhaps be called upon to study the question whether, in order to further the safety of modern aircraft, provision could be made for the jettisoning of articles hav-

ing a more substantial bulk than loose sand or water, which is apparently what the negotiators of air-navigation agreements in the past had in mind.

The *convention on precautionary attachment of aircraft* is a completed convention signed at Rome on May 29, 1933, during the Third International Conference on Private Air Law. The chairman of the United States Delegation to that conference, John C. Cooper, stated in his report to the Secretary of State that the primary purpose of this convention is to provide a uniform rule with reference to the conditions under which aircraft registered in one country may be attached for debt before judgment entered, while flying through the territory of another country. Mr. Cooper stated that the seizure of an aircraft engaged in regular transportation of passengers and property necessarily delayed such transportation and might result in serious inconvenience and loss. He was of the opinion that the convention would prevent frivolous seizure of such aircraft.¹⁸

From an examination of the program of work of the new Legal Committee it will be seen that it includes several conventions and one protocol which were adopted and signed at periodic international conferences on private air law, namely, the Warsaw convention, the two Rome conventions of 1933, the Brussels protocol, and the Brussels salvage convention of 1938. They were based upon projects adopted by CITEJA and submitted to these conferences for final adoption and signature.

Other items on the Legal Committee's program have received the attention of CITEJA from time to time but were never formalized by projects adopted by CITEJA in plenary session for reference to periodic international conferences on private air law.

In all probability the conventions and the Brussels protocol already adopted and signed at international conferences have been placed on the program of the new Legal Committee in connection with an ultimate determination of the question whether international agreements on the subjects dealt with would serve the needs of modern international air transportation and if so whether the

¹⁸ For a translation of the signed convention, see *Department of State Treaty Information Bulletin* no. 47, p. 22 (1933).

agreements as already adopted and signed are adequate, or whether they are in need of such revision as might tend to encourage a greater number of ratifications of or adherences to them by interested governments.

The work of the Legal Committee will not be confined to private air law matters such as those described above as having been placed on its program. The Committee's program is expected to be flexible, and modifications of its agenda will doubtless be made from time to time as conditions warrant. This is evident from a reference to the Committee's constitution as approved by the First Assembly of ICAO, which sets forth the scope of the Committee's activities, embracing not only private air law projects such as developed by CITEJA but other matters as well, including subjects within the field of public international air law.

Procedure for Approval of Draft Conventions

On May 27, 1947, the First Assembly of ICAO adopted the following resolution:

THE ASSEMBLY

Resolves that:

1. Any final draft convention approved by the Legal Committee of the Organization shall be transmitted, as provided by the Constitution of that Committee, to the Contracting States and to such other States and international organizations as may be determined by the Council;

2. Any such draft convention shall either (a) be placed upon the agenda of the first annual meeting of the Assembly of the Organization convened after the expiration of a period of not less than four months following the transmission of the draft convention as provided in paragraph 1, or (b), in special circumstances, be submitted to an extraordinary meeting of the Assembly or a conference of Contracting States convened for that purpose by the Organization;

3. In matters relating to International Air Law, non-Contracting States and international organizations shall be invited to participate in meetings of the Assembly or any conference, to the greatest extent consistent with the general policy of the Organization;

4. If agreement is reached, the Assembly or Conference shall approve the draft, and thereafter the Conven-

¹⁹ ICAO doc. 4403 LC/2, May 27, 1947. This document is identical with appendix "D" of the Final Report of Commission IV, doc. 4382, A1-LE/65, May 24, 1947.

²⁰ ICAO (revised) doc. 4496 LC/5, July 2, 1947.

tion shall be open for signature and ratification or adherence by Contracting States and for adherence by such other States as may be determined by the Assembly or conference;

5. In the meetings of the Legal Committee at which a draft convention is considered and approved, non-Contracting States and international organizations, as may be determined by the Council, shall have the right to participate (without the right to vote) to the full extent provided in the Rules of Procedure of the Legal Committee.²⁰

It was decided to have the first session of the new Legal Committee at Brussels beginning on September 10, 1947.

The following agenda was proposed for the Brussels Session:

1. Appointment of a temporary Chairman.
2. Approval of Rules of Procedure.
3. Election of Officers.
4. Adoption of Agenda.
5. Consideration of the draft Convention on the recognition of rights in aircraft.
6. Consideration of the work programme and establishment of an order of priority; establishment, if necessary, of appropriate sub-committees.
7. Date, place and provisional agenda of the second session of the Committee and, if any, of the sub-committees.²⁰

Jurisdiction of the New Legal Committee Compared With the Jurisdiction of CITEJA

The interested governments appointed members to serve on the CITEJA and contributed to the expenses of its secretariat. Aside from this degree of control as exercised by the individual governments, the CITEJA, which prepared preliminary texts of conventions on private air law, was virtually an autonomous body and was not under the administrative control of any other international organization. However, the delegates to the periodic international conferences on private air law usually adopted resolutions calling upon the CITEJA to undertake certain studies, and it is believed that as a general rule the CITEJA complied faithfully with these resolutions to the greatest possible extent. The new Legal Committee will not be entirely autonomous, since it is set up within the framework of ICAO and will be subject to certain administrative controls by the Council of ICAO. The secretariat of the Legal Committee will be provided by ICAO.

It is contended by some authorities that the Council of ICAO should have jurisdiction over the Legal Committee to the same extent as it has over established Council committees. Other au-

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thorities maintain that the Legal Committee should be permitted to have a greater degree of autonomy. Although the relationship of the Legal Committee to the Council was the subject of a joint session of Commission I and a subcommittee of Commission IV of the First Assembly of ICAO, it is contended by some that it is uncertain as to what may have been the intentions of the Assembly with respect to the point on which conflicting views have subsequently been expressed.²¹ It is altogether likely that the relationship between the Council and the Legal Committee will be determined in the light of experience and that so far as it may be necessary the status of the Legal Committee in this respect can be clarified by a future assembly of ICAO.

U.S. Delegation to First Meeting of Legal Committee of ICAO

[Released to the press September 5]

The Department of State has announced the composition of the United States Delegation to the First Meeting of the Legal Committee of the International Civil Aviation Organization (ICAO), which is scheduled to open at Brussels on September 10, 1947. The Delegation, which consists of the temporary United States members of the ICAO Legal Committee, will be as follows: G. Nathan Calkins, Jr., Chief, International and Rules Division, Office of General Counsel, Civil Aeronautics Board; Richard E. Elwell, General Counsel, Civil Aeronautics Administra-

tion, Department of Commerce; and Stuart G. Tipton, General Counsel, Air Transport Association of America. Mr. Calkins will serve as chairman of the United States group.

The agenda for the meeting includes: (a) the drafting of rules of procedure for the new committee; (b) consideration of a proposed convention on the recognition of rights in aircraft; and (c) the establishment of a work program.

The Legal Committee, established in accordance with a resolution adopted at the First General Assembly of ICAO in May 1947, will be engaged in the development of private international air law, a function formerly performed by the International Technical Committee of Aerial Legal Experts (CITEJA), which, at its sixteenth and last session at Montreal in May 1947, made arrangements for its liquidation. The objectives of the new committee are to study and prepare draft conventions on international air law, to provide advice on legal matters of special importance to ICAO, and to collaborate with other international organizations charged with the unification and codification of international law.

Current United Nations Documents: A Selected Bibliography²²

Security Council

Official Records. Second Year. No. 27, March 20, 1947. 28 pp. printed. [20 cents.]

—First Year: Second Series. No. 28, December 19, 1946. 66 pp. printed. [60 cents.]

Letter From the Chairman of the Commission of Investigation Concerning Greek Frontier Incidents Addressed to the President of the Security Council, Dated 21 August 1947, and Attached Telegram From the Chairman of the Subsidiary Group. S/515/Corr.1, August 25, 1947. 4 pp. mimeo.

Report of Dr. Shuhsi Hsu, Rapporteur of the Committee of Experts Concerning the Rules Governing the Admission of New Members. S/520, August 25, 1947. 10 pp. mimeo. Also, S/520/Add.1, August 27, 1947.

Letter From the Chairman of the Commission of Investigation Concerning Greek Frontier Incidents Addressed to the President of the Security Council Dated 27 August 1947, and Attached Telegram From the Chairman of the Subsidiary Group. S/527, August 27, 1947. 3 pp. mimeo.

Resolution on Rules Governing the Admission of New Members Adopted at the One Hundred Ninety-seventh Meeting of the Security Council. S/528, August 27, 1947. 1 p. mimeo.

²¹ For a discussion of this problem see minutes of Eighth Meeting of Commission I of ICAO held May 20, 1947, ICAO doc. A1-CP/51, May 23, 1947. For the consideration of the status of the Legal Committee, Commission I, which dealt with constitutional and general policy questions, resolved itself into a joint meeting with the subcommittee of Commission IV which had been responsible for the drafting of the constitution of the Legal Committee. See also resolution A1-7 of resolutions adopted by the First Assembly of ICAO. Resolution A1-7 is entitled: "Council Procedure; Establishment of Council Committees" and paragraph (3) of the resolution refers to the establishment of a committee on international air law.

²² Printed materials may be secured in the United States from the International Documents Service, Columbia University Press, 2960 Broadway, New York City. Other materials (mimeographed or processed documents) may be consulted at certain designated libraries in the United States.

INTER-AMERICAN CONFERENCE FOR THE MAINTENANCE OF CONTINENTAL PEACE AND SECURITY

Economic Rehabilitation Is Collective Responsibility

ADDRESS BY THE PRESIDENT¹

Mr. President, Delegates to the Inter-American Conference for the Maintenance of Continental Peace and Security, Ladies and Gentlemen:

It is a distinguished privilege to address the final session of this historic Conference. You are assembled here as the representatives of the nations of this hemisphere which have been banded together for over half a century in the inter-American system. You have successfully accomplished the task of putting into permanent form the commitments made in the Act of Chapultepec. You have made it clear to any possible aggressor that the American republics are determined to support one another against attacks. Our nations have provided an example of good neighborliness and international amity to the rest of the world, and in our association together we have strengthened the fabric of the United Nations. You can be justly proud of the achievements of this Conference, and I commend the noble spirit which has inspired your efforts.

The cordial and gracious invitation of President Dutra to visit this beautiful land has allowed me to fulfil a desire I have long cherished. I consider it most fortunate that I am enabled also to meet with the Foreign Ministers and other leaders of the American republics. Thus, in a sense, I am visiting not only Brazil, but I am visiting all of your countries, since each of you carries his country in his heart.

While we are assembled here together, I wish to discuss with you the responsibilities which our nations share as a result of the recent war. For our part, the United States is deeply conscious of

its position in world affairs. We recognize that we have an obligation and that we share this obligation with other nations of the Western Hemisphere. Therefore, I take this occasion to give you a frank picture of our view of our responsibility and how we are trying to meet it.

The people of the United States engaged in the recent war in the deep faith that we were opening the way to a free world and that out of the terrible suffering caused by the war something better would emerge than the world had known before.

The postwar era, however, has brought us bitter disappointment and deep concern.

We find that a number of nations are still subjected to a type of foreign domination which we fought to overcome. Many of the remaining peoples of Europe and Asia live under the shadow of armed aggression.

No agreement has been reached among the Allies on the main outlines of a peace settlement. In consequence, we are obliged to contemplate a prolonged military occupation of enemy territories. This is profoundly distasteful to our people.

Almost everywhere in Europe, economic recovery has lagged. Great urban and industrial areas have been left in a state of dependence on our economy which is as painful to us as it is to them. Much of this economic distress is due to the paralysis of political fear and uncertainty in addition to the devastation caused by war.

This situation has impeded the return to normal economic conditions everywhere in the world and has hampered seriously our efforts to develop useful forms of economic collaboration with our friends in other areas.

We did not fully anticipate these developments. Our people did not conceive, when we were fighting the war, that we would be faced with a situation of this nature when hostilities

¹ Delivered before the final session of the Inter-American Conference for the Maintenance of Continental Peace and Security, at Petropolis, Brazil, on Sept. 2, 1947, and released to the press by the White House on the same date.

ceased. Our planning for peace presupposed a community of nations sobered and brought together by frightful suffering and staggering losses, more than ever appreciative of the need for mutual tolerance and consideration, and dedicated to the task of peaceful reconstruction.

In view of the unfortunate conditions which now prevail, we have faced some difficult problems of adjustment in our foreign policy. I But I think that the elements of the policy we would not say that we have made no mistakes. have evolved thus far are sound and justifiable.

The fundamental basis of the policy of the United States is the desire for permanent world peace.

We are determined that, in the company of our friends, we shall achieve that peace.

We are determined because of the belief of our people in the principle that there are basic human rights which all men everywhere should enjoy. Men can enjoy these rights—the right to life itself, and the right to share fully in the bounties of modern civilization—only when the threat of war has been ended forever.

The attainment of world-wide respect for essential human rights is synonymous with the attainment of world peace. The peoples of the earth want a peaceful world, a prosperous world, and a free world, and when the basic rights of men everywhere are observed and respected, there will be such a world.

We know that in the hearts of common people everywhere there is a deep longing for stability and for settled conditions in which men can attain personal security and a decent livelihood for themselves and their children. We know that there are aspirations for a better and a finer life which are common to all humanity. We know—and the world knows—that these aspirations have never been promoted by policies of aggression.

We shall pursue the quest for peace with no less persistence and no less determination than we applied to the quest for military victory.

There are certain important elements in our policy which are vital in our search for permanent peace.

We intend to do our best to provide economic help to those who are prepared to help themselves and each other. But our resources are not unlim-

ited. We must apply them where they can serve most effectively to bring production, freedom, and confidence back to the world. We undertook to do this on an individual basis in the case of Greece and Turkey, where we were confronted with specific problems of limited scope and of peculiar urgency. But it was evident, at the time that decision was made early this year, that this precedent could not be applied generally to the problems of other European countries. The demands elsewhere were of far greater dimensions. It was clear that we would not be able to meet them all. It was equally clear that the peoples of Europe would have to get together and work out a solution of their common economic problems. In this way they would be able to make the most of their own resources and of such help as they might receive from others.

The representatives of 16 nations are now meeting in Paris in an effort to get to the root of Europe's continued economic difficulties and to chart a program of European recovery based on helping themselves and each other. They will then make known their needs in carrying this program to completion. Unquestionably it is in the interest of our country and of the Western Hemisphere in general that we should receive this appeal with sympathy and good will, prepared to do everything we can, within safe limits, that will be helpful and effective.

Our own troubles—and we have many—are small in contrast with the struggle for life itself that engrosses the peoples of Europe. The nations of free Europe will soon make known their needs. I hope that the nations of free America will be prepared, each according to its ability and in its own manner, to contribute to lasting peace for the benefit of mankind.

Another important element of our policy vital to our search for peace is fidelity to the United Nations. We recognize that the United Nations has been subjected to a strain which it was never designed to bear. Its role is to maintain the peace and not to make the peace. It has been embroiled in its infancy in almost continuous conflict. We must be careful not to prejudge it by this unfair test. We must cherish the seedling in the hope of a mighty oak. We shall not forget our obligations under the Charter, nor shall we permit others to forget theirs.

In carrying out our policy we are determined to remain strong. This is in no way a threat. The record of the past speaks for us. No great nation has been more reluctant than ours to use armed force. We do not believe that present international differences will have to be resolved by armed conflict. The world may depend upon it that we shall continue to go far out of our way to avoid anything that would increase the tensions of international life.

But we are determined that there shall be no misunderstanding in these matters. Our aversion to violence must not be misread as a lack of determination on our part to live up to the obligations of the United Nations Charter or as an invitation to others to take liberties with the foundations of international peace. Our military strength will be retained as evidence of the seriousness with which we view our obligations.

This is the course which our country is endeavoring to follow. I need not tell you how important it is to our success that we have your understanding, support, and counsel. The problem is in the deepest sense a common one for this hemisphere. There is no important aspect of it which does not affect all of us. No solution of it can be fully successful in which we do not all cooperate.

I have already mentioned our collective responsibility for economic assistance. By the grace of God and by our united armed efforts our countries have been saved from the destruction of war. Our economies are intact, our productive powers undiminished, our resources not even yet fully explored. In consequence, our collective importance in the affairs of a distressed world has become immense.

The Western Hemisphere cannot alone assure world peace, but without the Western Hemisphere no peace is possible. The Western Hemisphere cannot alone provide world prosperity, but without the Western Hemisphere no world prosperity is possible.

In so far as the economic problems common to the nations of North and South America are concerned, we have long been aware that much remains to be done. In reaching a solution there are many subjects which will have to be discussed among us. We have been obliged, in considering these questions, to differentiate between the urgent need for rehabilitation of war-shattered areas and

the problems of development elsewhere. The problems of countries in this Hemisphere are different in nature and cannot be relieved by the same means and the same approaches which are in contemplation for Europe. Here the need is for long-term economic collaboration. This is a type of collaboration in which a much greater role falls to private citizens and groups than is the case in a program designed to aid European countries to recover from the destruction of war. You have my solemn assurance that we in Washington are not oblivious to the needs of increased economic collaboration within the family of American nations and that these problems will be approached by us with the utmost good faith and with increased vigor in the coming period.

If acceptable solutions of these economic problems can be found, and if we can continue to work with mutual confidence and courage at the building of that great edifice of political security to which this Conference has made so signal a contribution, then I believe that we can look with high hopes on the further development of our community life in this Hemisphere.

I have no desire to overlook the difficulties that have been encountered in the past and will continue to be encountered in the future. All of us are young and vigorous nations. At times we have been impetuous in our relations with one another. There has been a natural tendency for us to exhibit the same exuberance in our differences and our criticisms as in our friendships. Wide differences of background and tradition have had to be overcome.

But I believe that we may view with sober satisfaction the general history of our Hemisphere. There has been steady progress in the development of mutual respect and of understanding among us. As the United States acquires greater maturity, as its experience becomes deeper and richer, our people gain in appreciation of the distinguished cultural traditions which flourish among our neighbors in the Western World. I hope that as your acquaintance with us broadens, you will appreciate our fundamental good-will and will understand that we are trying to bear with dignity and decency the responsibility of an economic power unique in human history.

There are many concrete problems ahead of us on the path of inter-American relations. They

will not be solved with generalities or with sentimentality. They will call for the utmost we can give in practical ingenuity, in patience, and good will. But their solution will be easier if we are able to set our sights above the troubles of the moment and to bear in mind the great truths upon which our common prosperity and our common destiny must rest.

This Western Hemisphere of ours is usually referred to as the New World. That it is the New World is clearer today than ever before. The Old World is exhausted, its civilization imperiled. Its people are suffering. They are confused and filled with fears for the future. Their hope must lie in this New World of ours.

The sick and the hungry cannot build a peaceful world. They must have the support of the

strong and the free. We cannot depend upon those who are weaker than we to achieve a peace for us to enjoy.

The benefits of peace, like the crops in the field, come to those who have sown the seeds of peace.

It is for us, the young and the strong, to erect the bulwarks which will protect mankind from the horrors of war—forever.

The United States seeks world peace—the peace of free men. I know that you stand with us. United, we can constitute the greatest single force in the world for the good of humanity.

We approach our task with resolution and courage, firm in the faith of our Lord whose will it is that there shall be Peace on Earth.

We cannot be dissuaded, and we shall not be diverted, from our efforts to achieve His will.

Successful Conclusion of the Inter-American Conference

JOINT ADDRESS BY THE SECRETARY OF STATE AND THE PRESIDENT PRO TEMPORE OF THE SENATE¹

Text of address by Secretary Marshall

I returned yesterday from the inter-American conference at Rio de Janeiro. There, in one day less than two weeks, 19 sovereign nations, speaking four different languages, reached formal agreement on the precise terms of a treaty for complete cooperation in the mutual defense of each other and of the Western Hemisphere. These terms committed the nations to act collectively for the peace and security of the New World and to do this in accordance with the provisions of the Charter of the United Nations.

I do not think it is an overstatement to say that this demonstration of trust and cooperation, this evidence of a willingness to adjust the many varied national points of view in order to make possible a unanimous agreement for the good of all, is the most encouraging, the most stimulating international action since the close of hostilities. The results of the conference demonstrate, I think beyond doubt, that where nations are sincerely desirous of promoting the peace and well-being of the world it can be done, and it can be done without frustrating delays and without much of con-

fusing and disturbing propaganda that has attended our efforts of the past two years.

To me one of the most gratifying features of the conference was the atmosphere of good will, good feeling, and mutual trust and accord in which it was conducted. We met largely as acquaintances with a common desire. We parted as friends in a common bond of trust and understanding. Our deliberations were open to the world. It will not be easy to misrepresent the import of the treaty we have agreed upon at Rio de Janeiro, for its text is straightforward and clear.

None of the 19 nations concerned sought to impose its will on the others. Agreement was reached on a voluntary basis, each nation manifesting its will to adjust its own position to that of the others out of respect for the opinion of the

¹ Broadcast over the ABC and Mutual networks on Sept. 4, 1947, upon the occasion of their return from the Inter-American Conference for the Maintenance of Continental Peace and Security, which was held in Petropolis, Brazil, from Aug. 15 to Sept. 2. Secretary Marshall served as Chief of the U.S. Delegation and Senator Arthur H. Vandenberg as a member of the Delegation. Released to the press Sept. 4.

majority. No nation triumphed over any other, for this was not a contest between nations but a "get-together" among them. And yet there resulted no watered-down formula—no lowest common denominator of compromise on vital principles.

As has already been stated by Senator Vandenberg before a joint session of the Brazilian Senate and House of Representatives, the successful formulation of this regional treaty affords the United Nations a significant example—an example, I feel, of which it is in great need at the present time. The full degree of the accomplishment is difficult to grasp. The casual reader, or even the casual student, of international matters has difficulty in visualizing the tremendous complications involved in reaching at a conference of sovereign governments precise agreements regarding mutual obligations to take definite action, even in matters of self-defense. The varying reactions of public opinion in the several countries have to be taken into account, with their high susceptibility to the skillfully planted misrepresentations of those who work under cover for local or larger reasons to disrupt such negotiations and bring to naught the efforts to promote the peace. The mutual task of so resolving these various factors that a satisfactory instrument results is most difficult, even under the most favorable circumstances.

I must comment on two factors that played a very important part in the successful conclusion of the negotiations. The Brazilian Government had provided in the most complete and satisfying manner for the conduct of the conference. Everything that could be done had been done for the comfort of the large assembly and to facilitate their work. President Dutra had apparently made it his personal business to see that nothing was lacking of that nature that could possibly add to the prospects for success. The presiding officer of the conference, Dr. Raul Fernandes, Minister of Foreign Affairs for Brazil, was a most fortunate choice in that he displayed conspicuous ability in promoting harmony in the discussions while not permitting the proceedings to be unduly prolonged. His contribution was of great importance to the success of the conference.

The next steps in the development of the solidarity of the Western Hemisphere will be taken at Bogotá next January, and I think we have al-

ready developed a generous mutual understanding which should greatly facilitate the large amount of work to be accomplished there.

It is a great satisfaction to report on the work of the Delegation representing this country. Senators Vandenberg and Connally, Representatives Bloom, Ambassador Austin, Chief of the United States Mission to the United Nations, and Ambassador William Pawley represented the interests and desires of our Government on the working committees. They were assisted in turn by trained personnel from the State Department. The result was a highly efficient team.

The purpose of the treaty is to provide for the peace and security of the Western Hemisphere. It lays down in precise terms the agreed action to be taken in case of aggression from without or of aggression within the Hemisphere. More than that, it reflects the unity of purpose of the countries represented, the solidarity of their attitude. Senator Vandenberg, who follows me immediately on the program and who was outstanding as a member of the committee which had to handle the most difficult aspect of the treaty—the stipulated course of action in the event of aggression from within or without—will give you the highlights of the treaty and, in particular, its relation to the terms of the Charter of the United Nations.

This brief statement regarding the conference gives me the opportunity to report one constructive international development in a world sadly in need of such encouragement.

Text of address by Senator Vandenberg

I am glad to cooperate with Secretary of State Marshall on this radio program as I did at the recent historic inter-American conference at Rio de Janeiro, which has just terminated its labors. Without thought of partisan politics, Republicans and Democrats upon the Delegation of the United States worked in unison, under Secretary Marshall's wise leadership, for the indispensable cause of international peace and security. We practiced the unity we preached. I pay my warmest respects to all of my colleagues on our Delegation.

I report with deep conviction that the conference agreed upon a treaty which, in my opinion, will be a milestone of incalculable importance upon the highroad to a happier and safer world. I shall present it to the Senate for ratification,

with every confidence that it will deserve prompt and enthusiastic approval of its traditionally American ideals.

We have reknit the effective solidarity of North, Central, and South America against all aggressors, foreign and domestic. We have sealed a pact of peace which possesses teeth. We have not deserted or impaired one syllable of our overriding obligations to the United Nations. This pact is not a substitute for the United Nations. It is a supplement to the United Nations and part of its machinery. The signers of this treaty have fulfilled the United Nations Charter by creating what is officially called a "regional arrangement" which adds new and effective obligations and protections for peace and security within the area of our Western Hemisphere. By so doing we have built new defenses for ourselves and for our good neighbors. By so doing we also have set a tremendously significant and progressive pattern for others to follow. *This is sunlight in a dark world.*

I have constructed the following sentence from literal phrases taken out of the text of the new treaty. Because it is *literal* it is authentic. It says what it means and it means what it says. This is the sentence:

The American republics, reiterating their will to remain united, pledge themselves to consolidate and strengthen their friendship and good neighborliness: to submit every controversy which may arise between them to peaceful settlement: but in case of armed attack from within or without the Hemisphere, to prevent or repel aggressions against any of them through effective reciprocal assistance.

I shall speak of these commitments in detail so there can be no misunderstanding. But first I linger briefly on the historic background because of its significance. There has always been a special fraternity of self-interest among the American republics. It was recognized long ago on high moral grounds in our own famous "Monroe Doctrine". To the south of us it was recognized as early as 1826 by Simón Bolívar, who summoned the first inter-American conference. American statesmen of many lands contributed to the evolution of this ideal across the years. The Pan American Union was formally organized in 1890 to administer these aspirations. Under loose, and

sometimes vague, auspices, a series of consultative treaties developed as did also an attachment to international law. We constantly progressed in what was the greatest and most successful peace adventure of the age—as the comparative peace of our continents has testified.

In the midst of World War II, these 21 American republics met at Chapultepec, where they logically made common cause in that tremendous conflict and promised to perpetuate this effective solidarity thereafter. Then came the United Nations Charter at San Francisco. In one voice these 21 republics said they were ready for the new concept but *not* at the expense of the old. They accepted new global obligations but insisted upon retaining the old hemispherical reliance. As a result, the recognition of "regional arrangements" within the framework of the Charter was authorized, with particular emphasis upon the unimpaired inherent right of self-defense.

We went to Rio three weeks ago tomorrow to fulfil the promise of Chapultepec and the sanction of the United Nations Charter. I dare to assert, as Secretary Marshall has said, that the results exceed our fondest expectations. When this treaty is ratified, peace and justice and security will be on far firmer foundations in our Western World regardless of what happens elsewhere and regardless of the obstacles which plague peace elsewhere.

Nothing that we have done is aimed at any other enemies than war and aggression and injustice, the three deadly foes of civilized mankind. I repeat here what I said to the Brazilian Congress last week. If there should be those who suspect us of ulterior motives they will merely confess their own.

Nothing we do here subtracts one single word from our over-all responsibilities to the United Nations, to which we renew our allegiance in a special, categorical pledge. Everything we do here is devoid of the remotest thought of conquest or imperialism and is dedicated solely to the orderly pursuit of international justice and security. Thus we give the greatest possible encouragement and aid and strength to the United Nations and we set them an example worthy of high emulation.

We forward march—we make new and even sensational progress—in the spirit of those pioneers who dedicated pan-American unity to the special

welfare of peace between the republics of the Western Hemisphere. What was formerly an impressive ideal now becomes a working reality. It is specifically identified. What was formerly a pattern now becomes a fact. It has form and shape and substance. You can see it on the map. There is nothing vague about this "region", nor about the obligations it dramatizes. The "region" runs from pole to pole. The "region" is a gigantic ellipse—a great oval—encompassing North, Central, and South America and their surrounding seas—including, outside the oval, all "territory of an American State" such as Hawaii.

The fundamental obligation of all the American states which ratify the treaty is the unqualified agreement that "*an armed attack by any State against an American State shall be considered as an attack against all*" of them, whether inside or outside the special "region". But an attack *inside* the "region" is recognized to be of special hazard. That is why non-treaty areas like Canada and Greenland are included in the "region" even though they are not presently included among treaty signatories. Provision is made for other American states to adhere later if they desire.

Any armed attack within the "region" will immediately *alert* all of the 21 republics which are expected in ultimate cooperation. Nineteen have already signed. Upon notification, each will forthwith decide upon its own *immediate* action in fulfillment of the basic pledge I have just recited and "in accordance with the principle of continental solidarity" and in the exercise of the right of summary collective self-defense authorized by article 51 of the United Nations Charter.

This immediate mutual defensive action will be followed by prompt consultation to determine more definitely upon collective plans. These plans are listed. They may comprise the recall of chiefs of diplomatic missions, the breaking of diplomatic relations, the breaking of consular relations, complete or partial interruption of economic relations, suspension of all types of communication, and the collective use of armed forces. In all but the latter—namely, the use of armed forces—all treaty states will be bound by a two-thirds vote. There is no paralyzing veto upon any of these peaceful sanctions. One recalcitrant nation—one noncooperator—cannot nullify the loyalties of the others. It cannot even stop the others

from using collective force. We are building upon mutual trust. This is a *true* partnership which represents the greatest advance ever made in the business of collective peace.

There is one other unique implement. With particular regard to intra-American border disputes, the pan-American consultation will immediately call upon the contending states to suspend hostilities, restore the prewar status, and proceed to settlement by peaceful means. Refusal to adopt these pacific actions will largely determine who shall be branded as the "aggressor" and who must thus take the consequences. Additional pacific machinery is to be developed at another inter-American conference in Bogotá next January.

Of course, the Security Council of the United Nations will be immediately notified of all such developments and the jurisdiction of the "region" will cease whenever—but not until—"the Security Council . . . has taken the *measures necessary* to maintain international peace and security", as required by its Charter. I underscore "*necessary*" measures.

I hope I have made it plain that the new treaty thus throws maximum protections around the peace and security of the inter-American "region" if peace of the "region" is menaced by armed attack from *any* source whatever originating inside or outside the "region". In other words, this inter-American "region" is the beneficiary of special regional cooperation at all times and under all circumstances of aggression. These two coordinated continents thus will offer no hospitality to alien aggressors who, following the usual pattern, would "divide and conquer".

But that is not all. The framers of this treaty were not satisfied to rest content with mutual and cooperative protection against armed attack at our "regional" gates. They took the broader view, consistent with bitter history and repeated experience, that an aggression far beyond our "region"—even on other continents—may potentially threaten our own "regional" peace. They lifted their sights to the horizons of the earth. They meant what they said in that fundamental obligation which I quoted—namely, that *any* armed attack against an American state shall be considered as an attack against all of them; and they proceeded to spell it out. They said that "if the inviolability or the integrity or the sovereignty or

the independence of *any* American State should be affected by an aggression", even though it *not* be an armed attack, or "by an extra-continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America", they will consult immediately in respect to common action. This is all-inclusive. There could not be more complete comprehension. I may say, in passing, that the Delegation of the United States was particularly earnest in urging this idea that crimes against peace and justice cannot be confined within latitudes and longitudes. We were anxious that the creation of our "region" should imply no lack of interest in world peace outside the "region", nor condone war crimes against humanity wherever they occur.

I think it is important to make it plain that all these agreements were hammered out on the anvils of full, free, and general debate. There was no semblance of dictation from any source. There was no cut-and-dried advance plan which reduced conference action to the shallow status of an empty formality. At times there was vigorous argument, but always among friends. The ultimate and manifest enthusiasm which greeted the finished treaty is the more eloquent and the more prophetic and the more reliable because it thus flowed from a free meeting of free minds.

Let me sum it up. The republics of North, Central, and South America have united in a hard-and-fast agreement that an attack upon one is an attack upon all. When the attack comes home to us *within* our "region", they pledge immediate and effective action—all for one and one for all. When it originates *outside* our "region"

they pledge immediate consultation looking toward united action—again, all for one and one for all.

In both instances, the pledge is solely and exclusively a *peace* pledge. At all times it recognizes—and I quote from the treaty—that "peace is founded on justice and moral order and, consequently, on the international recognition and protection of human rights and freedoms, on the indispensable well-being of the people, and on the effectiveness of democracy for the international realization of justice and security".

I submit, my friends, that such a "regional arrangement"—faithfully reflecting the purposes and the formula of the United Nations—is cheerful, encouraging, and happy news in a cloudy, war-weary world which is groping, amid constant and multiple alarms, toward the hopes by which men live. It is good for us. It is good for all our neighbors. It is good for the world.

Yes; and it is good for the United Nations. We give them new strength. We give them a useful and impressive model how big and little states can work together on a basis of absolute equality of both obligation and power in the pursuit of international peace and security. We also make plain how member nations, despite all obstacles, can persist in perpetuating international peace and security and justice among friendly peace-living nations which think alike about these precious aspirations and are determined to make them live.

What we have put on paper is important. But far more important is the spiritual unity which thus makes common cause in answer to the dearest prayers of humankind.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Activities and Developments

South American and South Atlantic Regional Air Navigation Meetings of the International Civil Aviation Organization

ARTICLE BY PERCY DE F. WARNER

The South American and South Atlantic Regional Air Navigation Meetings of the International Civil Aviation Organization (ICAO) which were held at Lima, Peru, and Petropolis, Brazil, respectively, from June 17 through July 31, 1947,¹ were the sixth and seventh in a series of regional meetings called under the auspices of the International Civil Aviation Organization and its predecessor, the Provisional International Civil Aviation Organization (PICAO). These two meetings were the first regional meetings held under the auspices of the ICAO, which became a permanent rather than a provisional organization in April 1947 after the ratification by the required number of states of the convention on international civil aviation originally drafted at Chicago in November 1944.

The purpose and scope of the regional meetings of the ICAO are to list the facilities and services that are needed to support air navigation within the region and to reach conclusions on the ways in which and the times at which they are to be used. The meetings consider in what respects, if at all, basic procedures already agreed upon as world-wide standards need to be supplemented by provisions of truly regional character, either growing out of the regions' special operational characteristics or relating to action to be taken at particularly named points and therefore unsuitable for inclusion in the general procedures previously recommended on a world-wide scale.

The South American regional meeting at Lima examined the problems and procedures related to the provision and operation of air-navigation

facilities and services necessary for international air transport within the South American region. The South Atlantic meeting in Brazil was concerned with similar problems and procedures relating to the South Atlantic region, which includes the eastern coast of South America and the western coast of South Africa. The South Atlantic meeting limited itself, as far as South America was concerned, to the consideration of the provision of facilities additional to those already included in the Lima recommendations or to facilities which needed to be developed to a higher standard than appeared necessary for international air transport within the South American region itself.

At Lima the following governments with voting power were represented: Argentina, Bolivia, Brazil, Canada, Chile, France, the Netherlands, Peru, the United Kingdom, the United States, and Venezuela. The following states and organizations were represented by observers: Australia, Colombia, Czechoslovakia, Dominican Republic, Ecuador, Mexico, and Panama, and the International Air Transport Association, the International Meteorological Organization, the Fédération Aeronautique Internationale, and the Pan American Institute of Geography and History.

The following voting states sent representatives to the South Atlantic regional meeting at Petropolis: Argentina, Brazil, Chile, Denmark, France, the Netherlands, Portugal, Sweden, the United Kingdom, and the United States. The following states and international organizations sent observers: Bolivia, Peru, Uruguay, and Venezuela, and the International Air Transport Association, the International Meteorological Organization, and the Fédération Aeronautique Internationale. Belgium received an invitation but did not send a representative.

¹ The South American regional meeting was held at Lima from June 17 to July 7, and the South Atlantic meeting from July 15 to July 31.

At both meetings the following committees were established to carry on the work of the meetings: Aerodromes, Air Routes and Ground Aids (AGA); Air Traffic Control (ATC); Aeronautical Telecommunications and Radio Aids to Air Navigation (COM); Meteorology (MET); Operations (Subcommittee No. 1 of General Committee) (OPS); and Search and Rescue (SAR).

At each regional meeting a general committee was formed, composed of the heads of the delegations of the participating governments. Its primary task was to organize the meeting and to review, modify, and finally adopt proposals made by each of the six technical committees formed to consider proposals arising in the fields listed above. In addition, the General Committee had to consider other items of business not within the competence of the technical committees, including, for example, the question of the establishment of regional ICAO offices and conditions of operation and use of air-safety services and facilities as well as the remuneration for such services. At both Lima and Petropolis there was agreement that a regional ICAO office should be established, but this recommendation was presented in such a way as to leave to the judgment of the Organization at Montreal the decision as to where the regional office should be located. Several member states, including Brazil and Peru, extended invitations to the Organization to consider the establishment of regional offices in their countries. As regards the remuneration for air-safety services provided by member states, principally ground aids to air navigation, the Committees at Lima and Petropolis recommended to the ICAO Council that all such facilities be provided for public use under uniform conditions to aircraft of all nations at a figure closely related to the cost of provision and operation of facilities.

The work of the other technical committees at both Lima and Petropolis is described below, as the work at both meetings was closely related:

Aerodromes, Air Routes and Ground Aids (AGA)

The AGA Committee studied scheduled air routes, determined for the present and future the frequency of international operations over regional routes, the types of aircraft now operating or contemplated, and the schedules in effect or

planned for the routes. On the basis of this information the Committee selected aerodromes to serve as regular stops and alternate aerodromes to meet the needs of the air routes. The Committee listed the aerodromes selected in its final report. Designation of these aerodromes by the countries of jurisdiction was received in nearly all cases, important exceptions being the absence of countries to designate aerodromes in Spanish Morocco, Paraguay, and the Belgian Congo.

Recommendations were made for the physical and administrative standards to be maintained at each aerodrome. These administrative standards refer to the personnel and operating standards, whereas the physical standards are confined to the aerodrome itself and its equipment. The Committee recommended, for example, that aerodromes at each regular stop should have runways able to support at least 100 operations² a day of aircraft with a gross weight of not less than 135,000 pounds, the length of the longest runway to be increased in proportion to the elevation of the aerodrome above sea level. The Committee recommended that other characteristics of these aerodromes should be in accordance with the reference letter "B" of ICAO AGA standards.

Finally the AGA Committee studied procedures for aerodromes and ground-aids operation and recommended minor modifications of world-wide AGA standards to meet special conditions now existing in both regions. January 1, 1948, was established as the target date for the implementation of immediate recommendations.

Air Traffic Control (ATC)

The ATC Committee agreed on boundaries of flight information regions within both the South American and South Atlantic regions. Aircraft flying within the boundaries of these flight information regions can, upon request, receive from the designated centers information such as weather reports, et cetera, needed to aid them in flight. Approach and aerodrome control was recommended for those regular and alternate aerodromes where traffic density and weather conditions warranted. Control zones were established at each aerodrome where aerodrome control is in operation. A standard formula for size and shape of control zones was used unless otherwise specified by a state.

²An operation is a landing or take-off.

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The target date for implementation of procedures was set for January 1, 1948. Recognition of operational control by airlines was agreed to unanimously. At Lima there was an interesting and extended discussion in the Committee of flight altitudes, the use of the interpreters where language is a problem, and whether or not aircraft would be required to follow established airways or air routes and prescribed altitudes thereon irrespective of whether the airway was in a control area.

As regards flight altitudes the Committee recommended quadrantal altitudes outside control areas and as published or authorized by Air Traffic Control within control areas. At Lima, Brazil reserved its position on this decision. The Committee also recommended the use of "State approved" interpreters, where language difficulty arose, under the supervision of the controller on duty. The United States voiced objection to state-approved interpreters but did not consider a reservation justified. The principle of off-airway flights where practicable was approved by the Committee with the proviso that ATC approve such flights only from a terrain-clearance viewpoint.

Meteorology (MET)

The MET Committee agreed on the number and tabulated the location of surface and upper-air reporting stations required now and in the future for both regions. There was general agreement, however, that the present methods of collecting and disseminating basic synoptic data were inadequate.

Standard codes were adopted for weather reports and ICAO meteorological service systems were designated for the existing and projected routes in accordance with the needs of those routes. It was agreed that three principal meteorological broadcast stations be established for the South American region, at Buenos Aires, Lima, and Rio de Janeiro; and three for the South Atlantic region, at Buenos Aires, Rio de Janeiro, and Dakar. It was agreed that continental weather analyses would be prepared at Buenos Aires, Rio de Janeiro, and Dakar.

The Committee recommended that special emphasis be placed on the collection and prompt dissemination of weather data for merchant ships. It also recommended the establishment of a limited number of meteorological reconnaissance

flights from aerodromes in both regions. At Petropolis, after careful and extended consideration, the Committee decided that the need had not been sufficiently substantiated to justify the establishment of one or more stationary weather ships in the South Atlantic region at the present time. The French Delegation dissented.

January 1, 1948, was established as the target date for the implementation of immediate recommendations in the region.

Aeronautical Telecommunications and Radio Aids to Air Navigation (COM)

The COM Committee adopted for use in both regions the world-wide procedures approved by the Organization at Montreal in November and December 1946. It was recommended in this connection that these would be implemented simultaneously in the South American, South Atlantic, and Caribbean regions not later than January 1, 1948.

In listing facilities for the regions, the COM Committee found the same problem as regards the private ownership of communications facilities in the South American and South Atlantic regions as that existing in the Caribbean area. The Committee recommended that facilities be provided by the participating states themselves or through an agency sponsored or licensed by the state to be responsible for the maintenance of ICAO standards. The Committee recommended that states assure that all facilities be provided for public use under uniform conditions to aircraft of all nations operating international air services. It was agreed that charges imposed or assessed by states for these services shall not exceed a figure closely related to the cost of provision and operation of the facilities and that such charges shall be applied under uniform conditions to aircraft of the state itself or of all other states using them. The Committee recommended that where a state considers another state is making charges not in accordance with the above principles the matter be submitted to the ICAO Council.

It was agreed that very-high-frequency omnidirectional ranges with distance-measuring equipment be installed at all long-range regular and alternate aerodromes. It was agreed that the standard ICAO instrument landing system should be used at all long-range regular and

alternate aerodromes as soon as possible, but in any event not later than January 1, 1951.

At Lima it was recommended that radiotelephony would be the primary method of communication for the South American region. At Petropolis the Committee recommended that the use of radiotelegraphy be continued until radiotelephone facilities are available in the South Atlantic region.

Operations (OPS)

The OPS Committee (Subcommittee no. 1 of the General Committee) considered those items on the agenda which were of an over-all operational nature as well as those items which did not fall specifically within the terms of reference of the other committees. Perhaps the most important step was to recommend, in close cooperation with other committees affected, the adoption of uniform instrument approach procedures for both regions. The Committee also designated and classified air routes in the regions; routes for the South American region, for example, used by international air services were all classified by the Committee as class 4. On this point the Brazilian Delegation stated that their state could not meet all the requirements of this classification, especially as regards visual route navigation aids.

The Committee recommended the use of an altimeter setting of 29.92 inches of mercury for en route flying and traffic separation with use of the Kollsman setting for landings. In as much as both meetings were held in countries using the metric system and a large majority of the countries represented had standardized on the metric system, the OPS Committee recommended the "ICAO compromise" for units of measurement. This compromise provides for the use of the metric system for all measures except distance and horizontal speed, for which the nautical mile and knot are used.

Search and Rescue (SAR)

The SAR Committee agreed on basic requirements in this field for the regions. There were no fundamental differences of opinion between any of the participating delegations; in fact, a welcome unanimity of concept and a desire to cooperate were found.

The two areas present different problems, one being essentially a land mass comprising both mountain and jungle terrain, the other being entirely a water area. The approach to the problem in both cases, however, is essentially the same. It must first be established that an aircraft is in distress; its position must be fixed as accurately as possible by information or means immediately available; search procedures must be initiated if the exact position is not known, and then assistance as required by the situation must be brought to the survivors. The procedures adopted for both regions meet the above requirements in that, by means of mandatory filing of flight plans and position reporting en route, the position of the aircraft is known at all times; full use in emergencies of primary navigational facilities is accorded the SAR units; land and sea search units are to be provided by the states concerned, in some cases more than is considered to be the minimum needed; and finally, equipment and emergency aid to the located survivors is made available through several media.

It is a fundamental concept that it is prohibitively expensive to maintain all the facilities needed for search and rescue for that purpose alone, but that all available facilities should be put at the disposal of SAR on a priority basis when an emergency arises. To that end, other technical committees at both meetings considered the SAR requirements in setting up communication and direction-finding equipment and procedures. At the Petropolis meeting, however, the delegates comprising the SAR Committee went beyond the scope of previous meetings and adopted several steps of great potential value. One is a recommendation to the ICAO Council that representation be made to member states to legalize the priority of distress messages and search-and-rescue-implementing messages over all forms of communications circuits. Another is the recommendation looking toward making known to aircraft commanders the position of ships at sea, on or approaching his route, in order that he may, in necessity, "ditch" his aircraft close to a ship. Still another is the recognition of the fact that several civil organizations in Brazil, having begun training of parachutist units, can make an important contribution to the task of getting medical and other aid to survivors of a crash in jungle or

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other terrain which by its nature precludes the prompt supply of aid by other means. The Committee considered the use of helicopters, particularly in relation to jungle and mountain rescue programs, considering them as high-performance aircraft with special operational advantages for search and rescue in difficult terrain.

Standardization of equipment, training, and procedures was recognized as desirable by all delegations, and it is felt that the unanimous acceptance of the importance of search-and-rescue problems and the expressed determination to solve them promise to result in far greater safety for

both air crews and passengers flying in these two regions in the future. The recommended location of search-and-rescue centers is as follows: Buenos Aires, Cochabamba, Rio de Janeiro, Santiago, Bogotá, Asunción, Lima, Canal Zone, Balboa, Trinidad (Naval Air Station), Montevideo, and La Guaira (Venezuela). A tabulation of facilities in the regions was made, as well as an estimate of the equipment needed to meet ICAO standards in respect to search and rescue. January 1, 1948, was established as the target date for the implementation of immediate recommendations.

The Tenth International Conference on Public Education, Geneva, Switzerland, July 14-19, 1947

ARTICLE BY GALEN JONES

The United States Government received an invitation from the United Nations Educational, Scientific and Cultural Organization and the International Bureau of Education to send a delegation of from one to three members to the Tenth International Conference on Public Education. The Department of State asked the U.S. Commissioner of Education, John W. Studebaker, to nominate the delegates. Howard E. Wilson, Assistant Director of the Carnegie Endowment for International Peace, and Galen Jones, Director, Division of Secondary Education, U.S. Office of Education, were approved, and the latter was designated as chairman of the U.S. Delegation.

The Delegation took with them a report on educational developments in the United States during 1946-47. The subject matter of this report was especially prepared for the Conference by a U.S. Office of Education committee under the leadership of the information service of its Division of Central Services. The chairman also carried with him to the Conference 50 copies of the 1946 annual report of the U.S. Office of Education as well as various pamphlets of the Office and of several professional educational organizations which dealt with the items on the agenda for the Conference.

The agenda of the Conference was prepared by a joint committee of UNESCO and the International Bureau of Education. It included four items of major importance: (1) concise reports

from the Ministries of Education on educational movements during the school year 1946-47; (2) gratuity of school supplies; (3) physical education in secondary schools; and (4) a teachers' charter. The International Bureau of Education had conducted studies on the free provision of school supplies and physical education in secondary schools which supplied needed background information for the development of draft recommendations by the Conference relative to items 2 and 3 on the agenda. These were published in French and available to the delegates under the titles: *La Gratuité du matériel scolaire* and *L'Éducation physique dans L'Enseignement secondaire*. UNESCO had requested the inclusion of the fourth item on the agenda dealing with the desirability of developing a world charter for teachers.

The Conference convened at 10 a.m. Monday, July 14, 1947, in the Palais Wilson, Geneva, and continued in session until 1:30 p.m. Saturday, July 19, 1947. Forty-two countries were represented by 73 delegates. The number of observers, including representatives of the press, varied from 6 to 80 at various times during the Conference. One official observer was present for the United Nations; UNESCO was officially represented by three persons; and one official observer each represented the International Labor Office and the World Health Organization. Delegates—one each from 20 countries, five in the case of Switzerland,

and usually two each for other countries—were present from the following countries: Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, France, Greece, Guatemala, Hungry, India, Iran, Iraq, Italy, Luxembourg, Mexico, Netherlands Norway, Panama, Peru, Poland, Portugal, Rumania, Siam, Sweden, Switzerland, Syria, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, and Yugoslavia.

The Conference was opened by Albert Picot as President of the Council of State of the Canton of Geneva, Chief of the Department of Public Instruction in the Canton of Geneva, and the principal Swiss Delegate to the Conference. Following Dr. Picot's remarks, the Conference organized and elected by acclamation a chairman and three vice chairmen as follows:

Chairman: Ronald Walker, Australian Delegate
First vice chairman: Marcel Abraham, French Delegate
Second vice chairman: Mme. Z. Kormanowa, Polish Delegate

Third vice chairman: Pedro Calmon, Brazilian Delegate

The chairman, following his own effective remarks, introduced Jean Thomas, Assistant Director General of UNESCO.

Both Dr. Thomas and Jean Piaget, Director of the International Bureau of Education, who followed him, addressed themselves to the new working relationship between UNESCO and the I.B.E., in effect since February 1947. Dr. Thomas cited the official agreement, which had been ratified by the General Conference of UNESCO and by the Council of the Bureau, as a tribute to the services rendered by the I.B.E. to the cause of education. He praised the frequent and cordial collaboration, the interchange of information, documentation, and staff which had resulted from the agreement and expressed the hope that the collaboration between UNESCO and the I.B.E. would become even closer.

The Work of the Conference

The majority of the countries represented submitted reports on educational movements during the school year 1946-47, and 24 of these were available in mimeographed form. The trends indicated by the various reports have more similarity

than difference; only the major ones can be summarized here.

In all countries there is a steadily growing conviction that equality of opportunity in education not only is an ideal but also must be realized as rapidly as economic conditions will permit.

The principle of compulsory education has been adopted in virtually all countries. There are marked differences in the enforcement of the principle, however, due to wide divergencies in financial ability as well as to the traditions of the peoples.

Wide interest was manifested in the comprehensive or multilateral secondary school. The desirability of bringing together students from all walks of life is a broadening, democratizing factor of tremendous influence, according to the majority of the delegates.

With the raising of the school-leaving age to 15 (18 as the ultimate goal in many countries), there is interest in reorganizing secondary education so that the choice of curriculum or secondary school can be deferred until the pupil is 13 or 14 or older.

Programs of pupil orientation and guidance are receiving, therefore, increasing attention in all countries.

All reports emphasized enlarged efforts in adult education, designed not only to make noteworthy inroads upon illiteracy but also to raise the level of living by means of reduction in the amount of disease, poverty, and misgovernment.

The shortage of teachers, the social and economic status of teachers, and the revision of programs of teacher education are problems of central importance in every country.

An increasing number of countries are employing commissions made up of laymen and educational experts in the study of their most pressing educational problems.

The desirable outcomes to be achieved from an expansion in student and teacher exchanges are recognized by all countries.

There is an increasing awareness of the importance of education to national welfare and international understanding.

Gratuity of School Supplies

The second concern of the Conference was the free provision of school supplies. The I.B.E. only

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recently had published its study based upon data secured from 41 countries and entitled *La Gratuité du matériel scolaire*. The earnest discussion which followed the presentation of the rapporteur, Louis Verniers, Belgian Delegate, was centered upon draft recommendation 21 to the Ministries of Education concerning the free provision of school supplies. Space limitations forbid a complete report of these recommendations as unanimously adopted by the Conference. Five of the ten items included in recommendation 21 are submitted as representative:

The Conference—

1. Believes on the one hand, that the principle of the free provision of school supplies ought to be considered as the natural and necessary corollary of compulsory schooling, and on the other hand that the application of this principle to young people attending noncompulsory types of education, should be considered as the human ideal towards which one ought to aim;
2. Believes in consequence, that an indispensable minimum requirement is the free provision of all school supplies required for compulsory education, it being understood that these supplies include both the teaching material for collective use and supplies for individual use;
5. Expresses the desire that adequate financial provision should be made for school libraries . . . and that furthermore the possibility of international publication of books for school work such as atlases of blank maps, collections illustrating physical and political geography, the history of art, development of applied science, of the customs, habits and dress of the nations of the world, should be seriously considered;
6. Considers furthermore that means of transport should be provided free for pupils living at a considerable distance from the school which they are obliged to attend; and
10. Expresses the desire that an international agreement should be made with a view to increasing the number of educational films and other audio-visual material and of facilitating both their purchase and free circulation beyond national boundaries, so that the net cost may be reduced.

Physical Education in Secondary Schools

The third item considered by the Conference was that of physical education in secondary schools. Responses secured from 39 countries by the I.B.E. were edited in their publication entitled *L'Éducation physique dans l'enseignement secondaire*. The discussion which followed the report of the rapporteur, Joseph Vana, Czechoslovak Delegate, centered on several points such as the questions of special courses for pupils ex-

empted from regular physical education; of interschool and international sports competitions as a means of reconciliation and of understanding between individuals and between peoples; of the organization of the medical supervision of physical education; of the establishment of accident insurance for pupils and teachers; and of the situation of physical-education instructors in relation to that of their colleagues.

The discussions were pointed toward draft recommendation no. 22 to the Ministries of Education concerning physical education in secondary schools. Adopted at the closing session of the Conference, these agreements are not yet available for precise citation. In general they deal with the desirability of compulsory physical education in the secondary school, the importance of reserving sufficient time for physical education in the weekly timetable, the necessity for medical examinations for all pupils participating, the provision of special remedial treatment based on medical advice for all exempted pupils, the encouragement of sports competitions under the best conditions, and the desirable professional competence and status of the teachers of physical education.

A World Charter for Educators

Placed upon the agenda at the request of UNESCO, a world charter for educators was debated earnestly at one of the most fruitful sessions of the Conference. Howard E. Wilson, member of the U.S. Delegation, ably put forth a point of view which became the consensus of the Conference. Only the briefest of summaries is possible in this report.

The development of a world charter for educators must be deliberate, requiring a number of years in the process. This is made necessary by the importance of many consultations among numerous voluntary professional organizations of teachers throughout the world, by the desirability of its study and discussion in institutes and centers of teacher education in all countries as well as in international conventions and workshops. Secondly, the charter, when developed, should recognize clearly the teacher's relationship to his state; stressing particularly the fact that education is intimately related to community life—a relationship which must be strengthened, never weakened. Consequently the charter should grow from national groups to the world level. The third

general agreement was that the charter should emphasize the responsibilities as well as the rights of teachers. In the fourth place, it was held that education should be broadly conceived to include such personnel as librarians, educational script writers and radio producers, and creators of educational films. Finally, it was agreed that, when developed, a world charter for educators should be acclaimed as a preeminent contribution to literature.

Reduction of Japanese Industrial War Potential¹

1. Summary

Subject to the provisions stated in paragraph 10, the following actions, as detailed in paragraphs 2-9, should be taken during the period of the occupation, in order to reduce Japanese industrial war potential:

a. All special-purpose industrial machinery and equipment functionally limited to use in connection with combat-equipment end products should be destroyed.

b. All other industrial machinery and equipment in primary war industries and such other industrial facilities in secondary war industries and war-supporting industries as may be in excess of the peaceful needs of the Japanese economy should be made available for claim as reparations.

c. During the period of the occupation, a prohibition should be maintained against the re-establishment of primary war industries; and specified war-supporting industries should be limited to the productive capacity levels remaining after completion of the reduction program outlined above, except as modifications in these levels may be authorized by the Far Eastern Commission.

2. Primary War Facilities

a. Definitions

(1) Primary war facilities are defined as plants and establishments primarily engaged in the de-

velopment, manufacture, assembly, testing, repair, maintenance, or storage of combat-equipment end products and civil aircraft, and plants and establishments building merchant vessels above a size to be determined by the Far Eastern Commission.

(2) Combat-equipment end products are defined as weapons, ammunition, missiles, and explosives used for military purposes; chemical or bacterial warfare agents; ultra-shortwave radio equipment (radar); naval combatant vessels; armored vehicles; or aircraft (including air frames and aircraft engines).

b. Disposition

(1) All firms and organizations, whether publicly or privately owned and operated, whose activities have related primarily to the operation of primary war facilities and whose continued existence is deemed by the Supreme Commander for the Allied Powers to be undesirable from a security standpoint should be dissolved by the Supreme Commander, who should at the same time seize their records and register all their key executive, managerial, research, and engineering personnel.

(2) All plants and establishments identified by the Supreme Commander as primary war facilities

¹ Policy decision approved by the Far Eastern Commission on Aug. 14, 1947, and released to the press on Sept. 3. A directive based on this decision has been forwarded to the Supreme Commander for the Allied Powers for implementation.

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should be impounded and their machinery and equipment made available for reparations, subject to the following limitation: All buildings, machinery, and equipment in primary war facilities which, by virtue of initial design, construction, or major structural change, are, as individual items, special purpose in nature and functionally limited to use in connection with combat-equipment end products should be destroyed.

3. Secondary War Facilities

a. Definition

Secondary war facilities are defined as plants and establishments primarily engaged in manufacturing, repairing, or maintaining major fabricated component parts, subassemblies, accessories, or equipment especially designed for use in the products of primary war facilities.

b. Disposition

(1) In plants and establishments identified by the Supreme Commander as being originally organized or completely re-equipped to operate as secondary war facilities, as defined in subparagraph *a* above, all machinery and equipment, except as noted under (3) below, should be made available for reparations.

(2) In plants and establishments other than those covered in (1) above, all machinery and equipment, except as noted under (3) below, should be disposed of under the recommendations in paragraph 5 covering the industry with which, in the opinion of the Supreme Commander, they were associated prior to their conversion or diversion to war production.

(3) All buildings, machinery, and equipment in secondary war facilities which by virtue of initial design, construction, or major structural changes are, as individual items, special purpose in nature and functionally limited to use in connection with combat-equipment end products should be destroyed.

4. Dispersed Machinery and Equipment From Primary and Secondary War Facilities

All special-purpose machinery and equipment, as defined under 2*b*(2) and 3*b*(3) above, should be sought out in locations to which they may have been removed from primary and secondary war facilities and should be destroyed wherever

found. Other machinery and equipment, which was formerly used in primary and secondary war facilities but subsequently dispersed, need not be sought out and identified under the provisions of this paragraph but should be treated under paragraph 5, as a part of the industry with which it is associated.

5. War-Supporting Industries

a. Over-All Policy

As a supplementary measure designed further to reduce Japan's industrial war potential, that portion of existing capacity in selected war-supporting industries which is in excess of that necessary to meet the peaceful needs of the Japanese people, as defined by the Far Eastern Commission, should be made available for removal as reparations.

b. Application

(1) The following specific industries are considered as being "war-supporting", for purposes of the industrial removals provided for in paragraph 5*a*:

- (a) The iron and steel industry, producing pig iron, steel ingots, and basic shapes
- (b) The coal-carbonization industry
- (c) The nonferrous-metals industry, producing pig, ingot, and basic shapes
- (d) The light-metals industry, producing alumina, primary aluminum, and magnesium, rolled, drawn, or extruded shapes
- (e) The metal-working machinery industry, producing machine tools, cutting tools, and secondary metal-working machinery
- (f) The ball- and roller-bearing industry
- (g) That part of the chemical industry producing industrial explosives, sulfuric acid, soda ash, caustic soda, chlorine, chemical nitrogen, and calcium carbide. (In the case of industrial explosives "capacity which is in excess of that necessary to meet the peaceful needs of the Japanese people" is defined as capacity which is in excess of that necessary to meet Japanese domestic requirements.)
- (h) The railway-equipment industry
- (i) The automotive industry
- (j) The electric-power industry
- (k) The cement and abrasives industries
- (l) The steel merchant shipbuilding and repair

industry (residual after removals affected under paragraph 2)

(m) The merchant marine, fishing, whaling, and cannery fleets, including publicly and privately owned steel vessels of 100 tons or over (this shall not be interpreted to prevent vessels of less than 100 tons being considered for reparations)

(n) The oil-refining and synthetic-fuel industry and storage

(o) The synthetic-rubber industry

(p) The heavy-electrical-equipment industry

(2) In addition to reduction in capacity in the specific industries listed above, a further reduction in the total inventory of metal-working machinery in Japan should be effected in so far as this may be required to eliminate metal-working capacity in excess of the peaceful needs of the Japanese people as defined by the Far Eastern Commission.

6. Residual Capacity

After the Supreme Commander for the Allied Powers has completed the selection for delivery to claimant countries of industrial plants or facilities within the categories of industry approved for removal as reparations by the Far Eastern Commission and after the destruction of special-purpose machinery, as defined in paragraphs 2 and 3, residual productive capacity in the industries designated in this paper which is in excess of Japan's peaceful needs, as defined by the Far Eastern Commission, should be appraised from the standpoint of the individual and collective war potential represented by this capacity and a decision made by the Far Eastern Commission as to its disposition.

7. Property of Nationals of Members of the United Nations

The property of nationals of members of the United Nations should be dealt with in accordance with FEC-226/1 (Destruction or Removal of United Nations Property in Japan, approved April 24, 1947, and transmitted to the Supreme Commander for the Allied Powers as directive serial no. 76 on May 2, 1947).²

8. Reparations

Removal or destruction of industrial capacity for security purposes under the terms of this policy should not be limited in order to compensate for the effects of industrial removals for reparations.

9. Post-Removal Restrictions on Japanese Industrial Capacity

Throughout the period of the occupation the following limitations of Japanese industrial capacity should be maintained.

a. Primary War Facilities

Within the framework of the definitions given in paragraphs 2 and 3:

(1) The following should be prohibited in Japan: The establishment, possession, or operation of any facilities for the development, manufacture, or assembly of combat-equipment end products; the development, manufacture, assembly, importation, or possession of any special-purpose machinery and equipment as defined under paragraphs 2b(2) and 3b(3); the development, manufacture, or assembly of any combat-equipment end products, or their possession except as authorized by the Supreme Commander, after consultation with the Allied Council for Japan in accordance with the Terms of Reference of the Allied Council for Japan, for the purposes of the occupation; the building of merchant vessels above a size to be determined by the Far Eastern Commission; the development, manufacture, or assembly of civil aircraft; and the participation by the Japanese Government or Japanese nationals in the ownership or airborne operation of civil aircraft.

(2) Japan should be directed to prohibit any of its nationals from taking part in the ownership or operation of primary war facilities outside of Japan.

b. War-Supporting Industries

The capacity levels remaining in the iron and steel, light metals, metal-working machinery, shipbuilding, oil-refining and storage, synthetic-oil, and synthetic-rubber industries, after the completion of the industrial removals proposed in this paper and after the disposition of remaining "excess" facilities as provided for under paragraph 6, should constitute the permissible maxima in these industries until the end of the present phase of the occupation of Japan or until October 1, 1949, whichever is the earlier, pending a decision as to the long-term disarmament controls.

² BULLETIN of May 18, 1947, p. 986.

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These maxima should be subject to review by the Far Eastern Commission, and, if the Commission expects still to be charged on October 1, 1949, with responsibility for postsurrender policies respecting Japan, the Commission should assess the situation before that date with a view to the adoption of an appropriate policy to be put into effect on October 1, 1949, on which date the provisions herein specified regarding the productive-capacity maxima in these industries will lapse. If, at any time during the occupation, the Supreme Commander considers an adjustment in these levels necessary, he should, after consultation with the Allied Council for Japan in accordance with the Terms of Reference of the Allied Council for Japan, recommend such an adjustment and submit to the Far Eastern Commission appropriate supporting data. Changes in the established levels can be made after adoption by the Far Eastern Commission of a policy decision authorizing such a change.

U.S. Delegations to Statistical Conferences

(Released to the press September 3)

The Department of State announced on September 3 the composition of the United States Delegations to the World Statistical Congress, the Twenty-fifth Session of the International Statistical Institute, and the First General Assembly of the Inter-American Statistical Institute, which are part of the international statistical conferences scheduled to be held at Washington beginning September 6, 1947.

The Delegations are as follows:

World Statistical Congress

Chairman

Stuart A. Rice, U.S. Member of United Nations Statistical Commission, and Assistant Director in Charge of Statistical Standards, Bureau of the Budget

Delegates

Arthur J. Altmeyer, U.S. Member of United Nations Social Commission, and Commissioner for Social Security, Social Security Administration, Federal Security Agency

Edward F. Bartelt, U.S. Member of United Nations Fis-

10. Occupation Needs

The Supreme Commander should be authorized to except temporarily from the provisions of this paper particular primary war facilities, secondary war facilities, and facilities in war-supporting industries, in so far as such facilities are required to meet the needs of the occupation. In such cases the Supreme Commander will, after consultation with the Allied Council for Japan in accordance with the Terms of Reference of the Allied Council for Japan, provide an explanation of reasons for retention and an estimated date of removal or destruction.

11. Records of Property Removals and Destruction

The Supreme Commander should keep records of all property removed from Japan or destroyed in the execution of the policies in this paper.

12. The provisions of this policy decision will apply until an appropriate decision on this question by the Peace Conference.

cal Commission, and Fiscal Assistant Secretary of the Treasury

J. C. Capt, Director, U.S. Bureau of the Census, Department of Commerce

Ewan Clague, Commissioner of Labor Statistics, Bureau of Labor Statistics, Department of Labor

Earl G. Constantine, Chairman, Advisory Council on Federal Reports, 468 Fourth Ave., New York

W. Edwards Deming, U.S. Member of United Nations Sub-Commission on Statistical Sampling, Bureau of the Budget

I. S. Falk, Director, Bureau of Research and Statistics, Social Security Administration, Federal Security Agency

Philip M. Hauser, U.S. Member of United Nations Population Commission, and Deputy Director, Bureau of the Census, Department of Commerce

J. Weldon Jones, Assistant Director in Charge of Fiscal Division, Bureau of the Budget

Isador Lubin, U.S. Member of United Nations Economic and Employment Commission, Room 1900, 1270 Avenue of the Americas, New York

Edwin Griswold Nourse, Chairman, Council of Economic Advisers, Washington

Winfield William Riefler, U.S. Member of United Nations Subcommission on Employment and Economic Stability, c/o Institute for Advanced Study, Princeton, N.J.

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Beardsley Ruml, U.S. Member of United Nations Subcommission on Economic Development, c/o R. H. Macy & Co., New York

Leroy D. Stinebower, Deputy U.S. Representative on the Economic and Social Council of the United Nations, and Special Assistant to the Assistant Secretary for economic affairs, Department of State

Amos E. Taylor, Director, Office of Business Economics, Bureau of Foreign and Domestic Commerce, Department of Commerce

Lazare - Teper, Research Director, International Ladies Garment Workers Union, 1710 Broadway, New York

Woodlief Thomas, Director, Division of Research and Statistics, Board of Governors of the Federal Reserve System

Willard L. Thorp, President of the American Statistical Association, and Assistant Secretary of State for economic affairs, Department of State

Helen Mary Walker, Professor of Statistics, Teachers College, Columbia University, New York

Oris V. Wells, Chief, Bureau of Agricultural Economics, Department of Agriculture

Twenty-fifth Session of the International Statistical Institute

Honorary Chairman

Herbert Hoover, Former President of the United States, Palo Alto, Calif.

Chairman

Walter Francis Willcox, Emeritus Professor of Statistics, Cornell University, and Vice President, International Statistical Institute, 3 South Ave., Ithaca, N.Y.

Delegates

Thomas C. Blaisdell, Assistant to the Secretary for International Trade, and Director, Office of International Trade, Department of Commerce

Gertrude M. Cox, Director, Institute of Statistics, University of North Carolina (branch), Raleigh, N.C.

Halbert L. Dunn, Chief, National Office of Vital Statistics, U.S. Public Health Service, Federal Security Agency, Washington

Haven Emerson, Emeritus Professor, School of Public Health of the Faculty of Medicine, Columbia University, N.Y.

Will Feller, President, Institute of Mathematical Statistics, Department of Mathematics, Cornell University, Ithaca, N.Y.

Milton Gilbert, Chief, National Income Division, Office of Business Economics, Bureau of Foreign and Domestic Commerce, Department of Commerce

Frank Lorimer, Professor of Population Studies, Graduate School, American University, 2930 Chesapeake St. NW., Washington

Alfred J. Lotka, Assistant Statistician, Metropolitan Life Insurance Co., 1 Madison Ave., New York

Jacob Marschak, Cowles Commission for Research in Economics, University of Chicago, Chicago

Oskar Morgenstern, Professor of Economics, Princeton University, Princeton, N.J.

Jerzy Neyman, Director, Statistical Laboratory, University of California, Berkeley, Calif.

William F. Ogburn, Professor of Sociology, University of Chicago, Chicago

Karl Pribram, Economist, U.S. Tariff Commission

Charles F. Roos, president, the Econometric Institute, Inc., 500 Fifth Ave., New York

Joseph A. Schumpeter, Professor of Economics, Harvard University, Cambridge, Mass.

Boris Shishkin, Economist, American Federation of Labor, 901 Massachusetts Ave. NW., Washington

Arthur Smithies, Assistant Chief, Fiscal Division, Bureau of the Budget

George W. Snedecor, Director, Statistical Laboratory, Iowa State College, Ames, Iowa

Edwin B. Wilson, Emeritus Professor of Vital Statistics, School of Public Health, Harvard University, 55 Shattuck St., Boston 17, Mass.

First General Assembly of the Inter-American Statistical Institute

Chairman

E. Dana Durand, Commissioner, U.S. Tariff Commission

Delegates

William L. Austin (formerly Director, U.S. Bureau of the Census), Eastland Plantation, Doddsville, Miss.

Solomon Barkin, Research Director, Textile Workers Union of America, 15 Union Square, New York 3

Joseph A. Becker, Chief, International Commodities Branch, Office of Foreign Agricultural Relations, Department of Agriculture

W. Randolph Burgess, Vice Chairman, National City Bank of New York, 55 Wall St., New York

Joseph S. Davis, Director, Food Research Institute, Stanford University, Palo Alto, Calif.

Calvert L. Dedrick, Coordinator of International Statistics, U.S. Bureau of the Census, Department of Commerce

E. Franklin Frazier, Professor of Sociology, Howard University, Washington

Lester S. Kellogg, Secretary-Treasurer, American Statistical Association, 1603 K St. NW., Washington

Simon S. Kuznets, Professor of Economic Statistics, University of Pennsylvania, Philadelphia

Stacy May, Economist, International Basic Economy Corporation, 30 Rockefeller Plaza, New York

Thomas H. Miller, Assistant Director, Bureau of Mines, Department of the Interior

Wesley C. Mitchell, Emeritus Professor of Economics, Columbia University, 2 Horatio St., New York

Norman T. Ness, Director, Office of Financial and Development Policy, Department of State

Dr. Thomas Parran, Surgeon General, U. S. Public Health Service, Federal Security Agency

Dr. Lowell J. Reed, Dean, School of Hygiene and Public Health, The Johns Hopkins University, Baltimore, Md.

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Walter A. Shewhart, Research Engineer, Bell Telephone Laboratories, 158 Lake Drive, Mountain Lakes, N. J.
Frederick F. Stephan, Professor of Sociology and Statistics, Cornell University, Ithaca, N. Y.
Aryness Joy Wickens, Assistant Commissioner of Labor Statistics, Department of Labor
Leslie A. Wheeler, Director, Office of Foreign Agricultural Relations, Department of Commerce
George Wythe, Chief, American Republics Division, Office of International Trade, Department of Commerce

The World Statistical Congress is convened by the Economic and Social Council of the United Nations. The Congress, which was recommended by the United Nations Statistical Commission and endorsed by the Population Commission, will afford an opportunity for statistical officials of the United Nations and the Specialized Agencies: (a) to ascertain at first hand the statistical problems—both general and specific—which a world-wide representative assembly of statisticians would wish the Statistical Commission and the Statistical Office of the United Nations to consider during the next few years; (b) to explain to the statisticians of various countries the program of work on which the Statistical Commission, the Population Commission, the Statistical Office of the United Nations, the Specialized Agencies and the nongovernmental organizations are at present engaged or are contemplating; and (c) to explore and develop the means by which the statistical activities of the Specialized Agencies, quasi-governmental and nongovernmental organizations might be related to each other and to those of the United Nations in fostering international cooperation in the improvement of statistics.

The International Statistical Institute was established in 1885 and is a nongovernmental professional organization of statisticians. The twenty-fourth session of the Institute was held at Prague, Czechoslovakia, September 12-13, 1938. At the forthcoming session there will be a series of section meetings at which programs of technical papers will be presented in the field of demographic, social, and economic statistics and statistical methodology.

The Inter-American Statistical Institute was founded as a result of discussions at the eighth American Scientific Congress in 1940. Its original membership comprised members of the International Statistical Institute resident in the Americas. During the intervening period, this Institute has gained the official membership of nearly

all of the American governments and has become a vital instrument for the development of statistical science and administration through the Americas. The program of the Institute is tentatively scheduled to include round-table discussions of minimum standards, definitions, and other problems involved in the forthcoming 1950 Census of the Americas; foreign trade statistics; statistical training methods and materials; education and cultural statistics; and industrial and mining statistics.

THE CONGRESS

Investigation, Disposition of Surplus Property: Hearings before the Surplus Property Subcommittee of the Committee on Expenditures in the Executive Departments, 80th Cong., 1st sess., pursuant to H. Res. 90 and H. Res. 100. Part I: February 28, March 7, 11, 12, 13, 18, 21, 22, 23, April 1, 8, 1947. xiii, 605 pp.

The Fur Situation: Hearings before Special Subcommittee on Fur of the Committee on Agriculture, House of Representatives, 80th Cong., 1st sess. Part II: May 19, 20, and 21, 1947. iii, pp. 87-270.

Petroleum Agreement With Great Britain and Northern Ireland: Hearings before the Committee on Foreign Relations, United States Senate, 80th Cong., 1st sess., on Executive H, an agreement on petroleum between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland. June 2, 3, 4, 5, 6, 9, 23, 24, and 25, 1947. iii, 397 pp.

Leasing of Salmon Trap Sites: Hearings before a Subcommittee of the Committee on Interstate and Foreign Commerce, United States Senate, 80th Cong., 1st sess., on S. 1446, a bill to authorize the leasing of salmon trap sites in Alaskan coastal waters, and for other purposes. Part I: June 18, 1947. iii, 28 pp.

Maintenance of Western Land Boundary Fence Project and the Rio Grande Border Fence Project: Hearing before a Subcommittee of the Committee on Foreign Relations, United States Senate, 80th Cong., 1st sess., on S. J. Res. 46, a joint resolution authorizing appropriations for the construction, operation, and maintenance of the Western Land Boundary Fence Project and the Rio Grande Border Fence Project, and for other purposes. March 13, 1947. 25 pp.

Proposed Tin Legislation: Hearing before a Subcommittee of the Committee on Banking and Currency, United States Senate, 80th Cong., 1st sess., on S. J. Res. 125, a joint resolution to strengthen the common defense and to meet industrial needs for tin by providing for the maintenance of a domestic tin-smelting industry. June 3, 1947. iii, 39 pp.

To Create a Department of Peace: Hearings before the Committee on Expenditures in the Executive Departments, House of Representatives, 80th Cong., 1st sess., on H.R. 503, a bill to create a Department of Peace. iii, 80 pp.

THE RECORD OF THE WEEK

United States Relations With Brazil

ADDRESS BY THE PRESIDENT¹

PRESIDENT DUTRA, MR. PRESIDENT OF THE CONGRESS, SENATORS AND DEPUTIES:

I am deeply grateful for the invitation to appear before the Congress of this great nation whose history is so entwined with that of the United States.

Speaking as one who has come to executive position from legislative halls, I am all the more appreciative of the honor you have extended to me. The legislature of a democratic country is identified with the people themselves. This must be so if the tree of responsible self-government is to blossom fully and bear rich fruit.

Brazil is justly proud of a history of government by free men. I salute the Congress of the great Brazilian nation, and I extend my best wishes to the noble people which it represents.

The ties between the United States and Brazil have always been close. It is not too much to describe our relations as those of "lifelong friendship". Your declaration of independence was brief but just as challenging as was ours. The cry of independence, uttered on that famous September 7, 1822, told the world that the time had come when Brazil was to be governed by its own people and for their own welfare.

I am happy to recall that the United States was the first of the nations of the world to recognize the new independent State. We were not troubled by the fact that it took the form of an empire, for the foundations of the empire were democratic.

The constitution which was adopted two years later was the expression of the ideals of free government, not those of absolute monarchy.

The history of Brazil in many respects parallels that of the United States. Both are nations which

have carved civilizations out of the wilderness. Both have been endowed with great natural resources and both have been developed by people whose dominant motive was freedom.

If I am happy that the United States was the first to recognize the new nation of Brazil, I am equally happy that it was to the United States that Brazil turned for support in its struggle for independence.

The alliance which Brazil proposed to us was a singular mark of confidence. It was the beginning of our historical friendship which I have described as "lifelong".

The long reign of the great Dom Pedro II put Brazil among the leading democratic nations. Americans of today know him well, for you have engraved his noble features upon a postage stamp which comes to the United States with every mail from Brazil.

We recall with pleasure that he was the first monarch to visit the United States, when he came to the exposition at Philadelphia in 1876, which marked the centenary of our independence.

Then in 1889, when Brazil felt that the form of a republic fitted better its national aspirations, the Congress of the United States of America adopted a joint resolution congratulating the country upon its new form of government. It is interesting to note also that Brazil adopted a constitution modeled closely upon that of the federal system of the United States.

Why are the ties between us so close? The distance between our countries is great and until of

¹Delivered before a joint session of the Brazilian Congress at Rio de Janeiro, Brazil, on Sept. 5, 1947, and released to the press by the White House on the same date.

recent years communication was slow and difficult. But it is not physical proximity alone that makes friends and neighbors. It is rather the fact that we have common interests, common principles, and common ideals.

We look upon the state as the agent of the people for the attainment of the general welfare.

We have the same belief in the fundamental rights of man.

We have the same respect for the dignity of the individual.

We look upon international relations as governed by the same standards of moral conduct by which individuals are governed.

In short, the declarations of September 7 and July 4 demonstrate that we have the same concept of freedom and democracy.

One of your great statesmen, Ruy Barbosa, whose name has left an imperishable memory, once said that the nations of the world constituted a single society and that the principles which formed the basis of stability and justice within each state should be applied equally to nations. He felt that this was the only hope of maintaining civilized relations between them.

The idea was not new. It was part of Brazil's inheritance, as it is part of the inheritance of every other Christian nation. But Ruy Barbosa's eloquence has made it a living principle of the foreign policy of Brazil. His declaration that there can be no neutrality between right and wrong will remain forever part of the moral traditions of your country.

In a recent exchange of correspondence with Pope Pius XII, I said that I desired to do everything in my power to support and to contribute to a concert of all the forces striving for a moral world. I believe in making that statement I spoke the thought not only of my own country but of Brazil as well.

The United States has been fortunate in having Brazilian friends who have been wise counselors when joint action was called for. The name of Ambassador Joaquim Nabuco, who served in the spirit of your great foreign minister Rio Branco, will always be associated with the maintenance of the Monroe Doctrine within its proper limitations. He is but one of a long line of your distinguished countrymen who have contributed so greatly to the understanding that exists between us.

Through the years we have learned that, because there is agreement between us upon the fundamental principles of justice and equity, we can face our common problems with an assurance of agreement upon the ways and means of solving those problems.

The recent war again gave convincing proof of our friendship. The mutual trust and confidence that exists between us manifested itself at an early date in the immediate response of your Government to our need for air bases and for supplies of strategic materials.

When both our countries were attacked, our people fought side by side until victory was attained.

The bravery of your fighting men, against an experienced and resourceful enemy, cemented our comradeship and gave us another reason to feel a deep sense of pride in our friendship.

The memory of those days of struggle and sacrifice together will always be a sacred bond between us.

But today, the problems of peace still lie ahead of us. They are more difficult than we could have anticipated. They will require the closest collaboration between us. But I am confident that we can solve them with mutual good will and forbearance.

The one essential is that we maintain our common ideals and our common principles of morality and justice.

With these to guide us we can go forward together, and we shall not permit any minor differences to divert us from the pursuit of our common objectives.

We are in a period in which Brazil and the United States must continue to cooperate with their sister nations of the Western Hemisphere in the development of a strong and concerted force for the good of mankind. One of the great lessons we have learned in recent generations is that we do not dwell alone. Destruction, suffering, and confusion in other parts of the world confront us now as never before. Our nations made great sacrifices throughout the war, but we have been spared the wanton destruction and dislocation suffered by many.

I am confident that Brazil and the United States will be faithful to a great trust on which depend the lives and liberty of so many millions of disillusioned and discouraged people.

The people of the United States followed with keen interest and high hopes the progress of the inter-American conference which has just ended. The splendid result attained brings to us a sense of deep satisfaction.

We in this Hemisphere have demonstrated to the world that right-thinking men can submerge their individual prejudices and their individual aims in the accomplishment of an agreement that will bring great benefit to the world.

The conference of Rio de Janeiro will go down in history as a tremendously important milestone in our progress toward the outlawing of force in international relations and the establishment of the rule of law and order.

In some quarters today one hears expressions of disappointment in the accomplishments thus far of the United Nations. This must not deter us in our constant effort to build the organization that the world needs so badly.

Furthermore, we must keep ever in mind that the United Nations was not intended to settle the problems arising immediately out of the war but to provide the means for maintaining international peace after just settlements have been made.

The United Nations was not born fully developed by the signing of its Charter in San Francisco. It will take steadfastness of purpose, unremitting toil, and infinite patience to achieve our goal.

The United Nations is not a temporary expedient. It is a permanent partnership—a partnership among the peoples of the world for their common peace and common well-being.

The difficulties that we have encountered in this

early phase in the life of the United Nations have not discouraged us.

On the contrary, they have increased our determination that it shall succeed.

The United States is resolved to support the United Nations with all the resources at our command.

Brazil and the United States have advanced side by side in developing progressive concepts of the democratic way of life. We have proved to ourselves that policies founded firmly on belief in the dignity of man and his possession of certain inalienable rights inspire us to greater endeavor and lead us to new heights of achievement.

I shall leave Brazil with the conviction that here flourishes a people dedicated to the firm ideals upon which my countrymen and I were nurtured.

It is difficult for me to tell you how deeply I appreciate the wonderful reception I have been accorded in your country.

Because this Congress consists of the chosen representatives of the people, and because you men, through the operation of the democratic process, are so closely identified with the people, I wish to express my heartfelt thanks, through you, to all the people of Brazil.

As I passed through your beautiful capital city on the day of my arrival, the warm expressions of friendship on the faces of hundreds of thousands of your people deeply moved me and left with me an impression I shall never forget.

When the time comes for me to depart I shall carry away in my heart strengthened confidence in the enduring friendship of our two countries and in the goodness and generosity of the people of Brazil.

Public Opinion and World Affairs

BY ASSISTANT SECRETARY BENTON¹

The appraisal of public opinion is one of the oldest of the political arts. You assembled here in Williamstown are pioneers in the effort to create a scientific basis for that art. And this meeting, international in character as it is, is one of the evidences that your new science is moving toward maturity.

Practitioners of the art of gaging public opinion, including heads of government and foreign ministers, have met in international conference for centuries and have made nice calculations concerning the temper of public opinion in their respective countries and throughout the world. One of the great strategic weapons, and one of the great pitfalls, of the international negotiator has always been his judgment and insight as to what his own public and the other fellow's public will demand and what they will put up with. Scholars point out that Lord Palmerston, brilliantly successful when he was young and in intimate contact with his own people, found the whole basis of his foreign policy abandoned when he grew old and lost touch with the public. Bismarck pitted his judgment of the strength of popular demand for German unity against that of most experts, and Bismarck won out. Disraeli proved a better public opinion analyst than Gladstone. Lincoln and Cavour perceived the deeper thrusts of public sentiment and adapted their actions accordingly.

Such insight is even more essential to the politician dealing with domestic issues; in this country, for example, astute political leaders, such as Jefferson, Jackson, and again Lincoln, have set a high standard of excellence in sensing the public will as well as in giving it shape and direction.

This conference is unique in that it brings together private individuals from various nations, meeting on a professional basis, to discuss prob-

¹ Address delivered before the Second International Conference on Public Opinion Research, Williams College, Williamstown, Mass., on Sept. 2, 1947, and released to the press on the same date.

lems peculiar to research on public attitudes, and with no motive other than the advancement of understanding.

During the past 10 or 12 years you experts have been learning how to reduce the element of guess for the policy makers and administrators. But, like all pioneers, you are still crass newcomers. The shrewd guess of the responsible political leader, who must take into account the intensity of public feeling as well as its dispersion, who must predict the direction of opinion and the impact of events upon it, who must judge the political effectiveness of various groups, must still be the guide to action.

I shall not have to argue, before this of all groups, that what large numbers of people believe and think, what they fear and hope, grows ever more important in determining the shape of things to come. The growth of political democracy, the vast extension of popular education, and the miracle of easy, quick, and frequent communications have produced a new social situation, the full significance of which is not yet understood. I believe this to be true everywhere, even in the totalitarian countries whose rulers have had to invent new techniques of propaganda and repression to cope with it and to practice old ones on an unprecedented scale in order to remain in power.

Up to a generation or two ago public leaders, in taking into account the broad aspirations and demands of the populations they represented, could count on the fact that these aspirations moved slowly, like the communications of the time. Today, when uncounted millions of people are bombarded by headlines, by day-to-day and hour-to-hour newscasts, by millions of words and images poured forth by press, radio, and motion pictures, policy makers and public officials are faced with an immensely more complicated job in attempting to follow or anticipate the swift tempo of popular opinion.

Nowhere is this more apparent than in the field

of international relations. While a fair degree of continuity may exist in each nation with respect to opinion on domestic problems, the political leader or official dealing with foreign policy must weigh and balance the shifting and interacting public opinions in 50 or 60 nations—public attitudes which he has difficulty in assaying and over which he has little or no influence.

Up to World War I relations between nations were conducted largely as diplomatic negotiations between rulers or their personal representatives. Today these dealings between chiefs of state or chiefs of diplomatic missions are being heavily supplemented by direct contacts between and with whole peoples. A growing volume of official or diplomatic business is no longer conducted behind closed doors but, as in the meetings of the Security Council, is open for all to read or hear. It is, in fact, one of the dilemmas of diplomacy that these publicly conducted negotiations may be converted into platforms for appeals to the people of the world, into sounding boards, rather than used as a means of securing accommodation and agreement. But such is the need for public information and public education that the open method is to be preferred whenever possible.

It is not uncommon today for government spokesmen to reply to policy statements of other governments by statements in the press or on the radio, as both the United States and the Soviet representatives in the Atomic Energy Commission have recently done. Secretary Marshall's appeal for a joint Europe recovery plan was made, not in a diplomatic note to the governments of Europe but on a public platform, at the Harvard commencement. Because of the speed and range of modern communications, such a message reaches millions and affects world opinion almost at once.

This democratization of the conduct of international relations will, I believe and hope, continue to develop rapidly, despite the presently successful efforts of some nations to insulate their peoples from direct contact with the rest of the world. It is developing at the very moment when, in nearly every nation, old priorities have been upset and the problems of foreign relations have superseded in importance all of the traditionally controverted domestic issues. What I am saying is that peace—just and lasting peace—has become the paramount issue for all peoples

and that peace can be built only in the minds and hearts, or call it the opinions and attitudes, of hundreds of millions of people in many lands. Without such building there can be no assurance of peace.

The upsurge of public interest in international problems has nowhere been more dramatic than in the United States. The front pages of our papers are crowded, day in and day out, with foreign datelines. The State Department is on the front page almost daily. In the last fiscal year the Department received 1,613 requests for speakers and filled 813 of them, contrasted with 48 requests filled in 1944. Last year the Department received 45,000 letters from the public, not including form letters or petitions in support of some particular policy, and it was in communication with 327 organizations seeking information. When Dr. Gallup asked last month, "What do you think is the most important problem facing this country today?" 47 percent of the public named problems of international affairs; this was twice as many as named the high cost of living. A similar question asked in 1945 and 1946 showed only 15 percent to 16 percent giving priority to international issues. Such a phenomenon would have been as unthinkable 20 years ago as would the convening of an international conference of public opinion analysts.

What is happening in the United States is happening in varying degrees everywhere. The various world publics exhibit a deepening anxiety. If they must decide the issues that make for peace or lead to war, on what basis shall they decide? We of the Western World of course—out of our deepest-held political traditions—answer that the whole people, on the basis of full and fair information made freely available to them, should decide, and that they will decide rightly if they are permitted to do so; and that, further, no decision will stick except on such a basis. We would echo the great cry of John Milton, "Let Truth and Falsehood grapple; who ever knew Truth put to the worse in a free and open encounter?" Information, no matter how full and fair, is not synonymous with truth and is no substitute for judgment, but it is an indispensable foundation for both.

I have been stressing the increasing power of public opinion, the increasing public interest in

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international affairs, and the increasing ability of the communications system to match the need for public information. What, then, is the state of the world public's information about world affairs—this force which may now determine world survival? It is, I am sorry to say, woefully inadequate at best and dangerously distorted at worst. For all our proud achievements in communication, we are uninformed. I find myself more deeply concerned about that fact than I am about coal shortages and atom bombs.

There are many reasons why we are uninformed. One set of reasons springs from the use in some countries of the twin instruments of censorship and propaganda, which represent reactions against the flood of world information. Although the world as a whole is probably in a worse case today with respect to freedom of information than it has ever been, I do not believe that censorship can hold off indefinitely the surging tide of facts and ideas.

Poverty and inability to acquire facilities are still key factors in determining the adequacy, as contrasted with the freedom, of information. Monopoly and cartel practices keep costs high. There are shortages of paper and of film stock. And basically, of course, there is the inadequacy and the poor quality of education, of which illiteracy is only the most flagrant example. Information becomes intelligible only through education. In our own country, where higher education is more generally available than in any other land, it is not a good omen that our college graduates prefer Milt Caniff to Walter Lippmann by an overwhelming margin.

From my particular vantage point in the Department of State I see the consequences of these factors as they affect foreign opinion about the United States. In the position of world leadership into which it has been catapulted, albeit reluctantly and to its surprise, the United States is today the object of intense curiosity throughout the world. In the absence of a system of world communications and exchanges free and adequate to the need, we see this curiosity developing into misconceptions about us that are fantastic in their proportions. We are pictured in some quarters as a dragon intent on enslaving the world, and not even given credit as a reluctant dragon. Some of these misconceptions are deliberately fostered by our

detractors, but more are due to plain unmitigated ignorance. In either case they are dangers as great as any we face. In a world rife with tensions and controversy, in a world of dislocation and suffering, they compound the mischief and set the stage for conflict.

We Americans too have our misconceptions about foreign peoples and about the nature of foreign relations, and they are serious misconceptions. But in justice I will say that, in view of our deepening interest in world affairs, our splendid popular communications system, and our relative wealth and freedom, these American misconceptions are perhaps more readily correctible than those held abroad about us.

We in the State Department are deeply concerned with public misconceptions both here and abroad. Although our efforts are not as yet remotely commensurate with the magnitude of the problem, certain lines of action have been laid down. We are pressing, as best we can, to advance the concept and practice of world-wide freedom of information, in the face of very considerable difficulties. We seek to stimulate the activities of private-information agencies in the international field and to reduce the economic barriers as well as the political. We are energetic and enthusiastic participants in the United Nations Educational, Scientific and Cultural Organization.

Through the Office of International Information and Educational Exchange, we are attempting to fill the information gaps left by the other agencies, an enterprise that is novel for us now; after extensive debate in Congress and the press, an enterprise that is accepted, I believe, as an integral part of the conduct of foreign affairs. On the home side, through the Office of Public Affairs, we are having some minor success in opening to the public gaze the operations and the problems of the State Department itself.

I have been talking in very general terms. Now I want to enlist you in this enterprise. Half a century ago Lord Bryce pointed out that one of the difficulties of our American democratic system was that of measuring accurately the drift of public opinion between elections. If he were here at Williamstown today, I doubt that he would put as much stress on that difficulty as he did in 1893. And the chief reason is that you ladies and gentlemen have developed, and are developing, new in-

struments for measuring public information, opinions, attitudes, and preferences. We can now supplement the study of press opinion, party opinion, and leadership opinion with the responses of representative cross sections of the public as a whole. Never until recent years has it been possible to obtain in any systematic way a balanced picture, in perspective, of the opinions of all groups in the populations. It is now possible to find out what "the public" thinks on any given issue or range of issues. It is also possible to ascertain the trends of opinion and the variations and peculiarities of opinion as between one group and another. The policy maker's opportunity for self-deception—the tendency for believing that the opinion of one's own particular group is the opinion of the public—is diminished.

Like most ingenuous people, you have brought upon yourselves new responsibilities as great as your ingenuity. You have found a way to make this a more democratic world and, thus, we can hope, a more peaceful world, and you must now live up to your responsibility to do so.

You are interested in what people know, feel, and think, and you can measure it. I am interested in that too, but I am even more interested in what makes them feel and think as they do and in what the consequences are. If I am right that the opinions of national publics are increasingly the key to peace and if I am right that massive misconceptions may be the greatest single menace to peace, then I have a challenge for you.

When a congressman asks me, as many have, whether anybody abroad pays any attention to the output of our Office of International Information and Educational Exchange, I can usually convince him that they do by citing a variety of statistics and incidents, all somewhat unscientific but nevertheless real. But if a congressman asks me to prove that our output has modified public opinion about the United States abroad, or overcome specific misconceptions, I am much less persuasive. An act of faith is involved, as it is in all public information activities—faith in the curative power of honest information widely disseminated.

It is a faith that is justified; Mr. Sulzberger does not have to measure the effect of the *New York Times* on public attitudes to know that he is adding to public understanding. But it is none-

theless true that in these critical times all agencies of international information can do a better job if they are not shooting in the dark.

What are the misconceptions about America held abroad, country by country? How deeply are they held? What causes them? What are the effective ways of dissolving them? I believe your group may know how to help find the answers to these questions, and I hope this conference will devote some time to them. I would similarly hope that American misconceptions about foreign peoples could be clarified, though I am frank to say that opinion analysis, which is much more highly developed here, has already progressed to the point where it is probably more useful to the foreign offices of other countries than much of the traditional work of their embassies in Washington.

Let me say parenthetically that, if it were possible, public opinion analysis in certain Eastern European countries would offer unique possibilities for controlled experiments in the formation of public opinion.

I would also ask our American analysts for a more intensive concentration on issues of U.S. foreign policy, to help crystallize that policy. We do not feel that we are omniscient in the Department of State. But we do feel that because the members of the Department make a full-time job of it, often a lifetime job, we have a better grasp of the international problems faced by the United States than many members of the public. Our conviction in our own policies is buttressed by the fact that the better-informed elements of the population seem to agree with us on most issues.

When we believe we are right, and when a minority who have the knowledge necessary for an intelligent opinion agree with us but a numerical majority of the public disagrees with our policy, what then? This problem is as old as democracy itself. One thing, to my mind, is clear however. If there is to be any role at all for leadership in a democracy, the policy makers—the President and his Cabinet, Congress, and the Department—at least have the obligation to state the facts to the public and explain their position in regard to those facts. This applies both domestically and, in a world where the United States has grave responsibilities of leadership and power, to foreign peoples as well.

In his speech at Salt Lake City in July Secre-

tary Marshall said: "The greatest problem I feel we have to deal with is in bringing the American public to a general understanding of the conditions involved at home and abroad which influence all negotiations and therefore all efforts to reestablish the peace and prosperity of the world." Such a general understanding must rest on accurate information. The Department of State is under an obligation to make sure that the American people have the fullest possible access to facts relating to foreign-policy problems, to the policies as developed, and the reasoning behind them.

Except for the handling of day-to-day news developments, the Department up to three years ago had no special personnel or budget for discharging its information obligations. Its small staff of overworked technical officers had to cope as they could with mail from the public and turn down 10 speaking invitations for every one they accepted. Funds and staff for preparing the most elementary documentary material were so severely limited that justice could not remotely be done to inquiries from organizations and individuals. Much less was it possible for the Department to undertake a positive program for stimulating interest in foreign-policy problems.

It is still unable to carry out its now enlarged responsibilities on any scale at all comparable with the need and demand. The Department's program in this field must be improved and expanded. At the same time it must avoid high-pressure selling campaigns in support of its policies. The use of public money by executive agencies for the purpose of conducting campaigns to influence congressional votes is properly forbidden. But, as Dean Acheson once pointed out, the Department is damned for secretiveness if it doesn't put out information and damned for propagandizing if it does. There is no place for Dr. Goebbels' methods, Mr. Acheson said, but neither is there a place for Colonel Blimp.

I cannot conclude without pointing out that the greatest role of groups such as this in the pursuit of peace is not as analysts of current opinion but as social psychologists. The misconceptions I have spoken of often seem to revolve like

¹ BULLETIN of May 18, 1947, p. 1005.

² Treaties and Other International Acts Series 1597.

³ Treaty Series 933.

⁴ Treaty Series 944.

storm clouds around hotly debated issues. These pass; what they spring from, and the increment they leave, do not pass so easily. The misconceptions are seldom woven out of whole cloth. They are usually related to basic stereotypes, to deep-seated prejudices and antagonisms. Programs of current information are usually designed to offset the immediate misconceptions and, though they may be indispensable at a given moment, tend to be ephemeral in their effect. The more basic and permanent antagonisms can be countered only by longer-range methods, notably by the exchange of students on a wholesale scale. Ultimately, of course, only education can provide the permanent foundation for international understanding.

Your task is large. It is complex. It is urgent. The social scientists of the world, whether in universities or other research organizations, have a great role to play in the drama of war or peace and all signs indicate that it will become steadily greater.

Proclamation of Whaling Protocols

President Truman on August 18, 1947, proclaimed the supplementary whaling protocol of March 3, 1947,¹ and, in its entirety, the whaling protocol of November 26, 1945,² amending the international agreement for the regulation of whaling signed at London on June 8, 1937,³ as amended by the protocol signed at London on June 24, 1938.⁴

After being approved by the Senate on July 2, 1947, the supplementary protocol was ratified by the President on July 18, 1947. The United States instrument of ratification was deposited in the archives of the British Government on August 1, 1947.

U.S. Professors To Visit Mexico and Peru

Stanley T. Williams of Yale University and C. Langdon White of Stanford University have been awarded grants-in-aid by the Department of State to enable them to visit the Mexican-American Institute of Cultural Relations in Mexico City and the University of San Marcos in Lima, Peru, respectively.

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Plan for Agreement on International Freedom of Information

PRESS, RADIO, AND MOTION PICTURE INDUSTRIES CONFERENCE

[Released to the press September 7]

Assistant Secretary William Benton made public on September 7 the draft of a suggested international agreement on freedom of information, prepared under the leadership of Richard J. Finnegan, publisher of the *Chicago Times*. At the same time, Mr. Benton invited interested individuals and organizations to submit comments and suggestions on the proposed draft to the Department of State.

The draft resulted from an informal assignment undertaken by Mr. Finnegan at Mr. Benton's request to formulate a suggested international agreement which would reflect prevalent thinking in press, radio, and motion-picture circles and would express principles which private industry would like to see written into international agreements. In preparing the draft, Warren H. Pierce of the *Chicago Times* staff consulted personally some 75 leaders of the newspaper, magazine, radio, and motion-picture industries. Printed copies of the original version were mailed to more than 4,000 persons and organizations. Hundreds of responses furnished suggestions which have been considered in preparing the final draft as made public by Mr. Benton.

The proposed agreement covers those aspects of freedom of information connected with the gathering and international transmission of news and information. Among other things, corre-

spondents—defined so as to include press, radio, and film personnel—would be guaranteed the right to enter other countries and to travel freely about therein. Their copy could be sent in and out without censorship except such as might be directly required for reasons of national military security.

In his letter of transmittal to Mr. Benton, Mr. Finnegan pointed out that the principles expressed in the suggested agreement are such as could be used in the United Nations, or in a multilateral convention signed by many countries, or in bilateral agreements between the United States and other governments.

In releasing the draft Mr. Benton said, "The free flow of news and information among nations and peoples was never more necessary than it is today and never faced with a greater array of deliberately erected barriers. Mr. Finnegan and his associates have undertaken to crystallize the deeply held but rarely formulated views of the executives of American private information agencies on this problem. The principles expressed in Mr. Finnegan's draft would help to make it possible for news, radio, and film agencies to seek and disseminate accurate information everywhere; in Secretary Marshall's phrase, 'to cover the earth with truth'. The Department of State is grateful to Mr. Finnegan and the *Chicago Times* for the time and the intelligence they have given to this crucial matter."

LETTER TO ASSISTANT SECRETARY BENTON FROM PUBLISHER OF CHICAGO "TIMES"

Honorable WILLIAM BENTON
Assistant Secretary of State
Washington, D. C.

DEAR MR. BENTON: Herewith is a draft of a suggested international treaty on freedom of information.

In November, 1946, you asked me to attempt the preparation of such a draft. It was to reflect as much as possible the prevalent thinking among the information media of our nation—the press, radio and motion pictures. You said that the State Department would like to see a draft that expressed, in principle, the ideas that private in-

THE RECORD OF THE WEEK

dustry would expect to have our government write into an international agreement.

I consented to undertake the chore because for many years newspaper men had been hoping that Congress and the State Department would get busy and do something on the subject. There had been a lot of discussion but no action.

The sentiment for action is stronger now than ever. Leaders in the newspaper and other media feel that this is one of those important subjects that is so much above party and personality differences that it should attract prompt, unanimous and lasting attention in both Houses, as well as in the State Department.

It will be impossible to get all the elements of private industry to agree on the wording of such a document. We think we have covered the principles on which all agree.

The principles are such as could be used within the United Nations or a multilateral convention of nations or for a bilateral agreement. Right now it is felt that a start should be made with a bilateral treaty. It is our opinion that this draft expresses:

1. The principle of freedom of speech and freedom of the press that exists in the United States.
2. The principle of freedom of movement, freedom of observation, and freedom of transmission of facts and ideas.
3. The principle of world public opinion as the ultimate source of judgment in controversies between information media and government.

We have tried to comb all possible sources from which we could get ideas for presentation to the State Department in the draft that is attached to this letter. Warren H. Pierce, of our staff, in seven months has consulted personally some 75 leaders of the newspaper, magazine, radio and motion picture industries. Printed copies of the original draft were mailed to more than 4,000 persons. The original draft was printed in full in *Editor & Publisher*. Hundreds of responses brought suggestions to us.

We are especially indebted to Quincy Wright, University of Chicago authority on international law, John O. Levinson, a member of the Chicago Bar who specializes in foreign relations activities, and Frederick S. Siebert, head of the journalism school of the University of Illinois, all of whom

participated in the drafting and redrafting conferences.

During the time that our inquiry has been under way the discussion regarding the "responsibilities and obligations" of the press has been called to our attention.

It has been suggested that unless the United States accepts certain ideas regarding "responsibilities and obligations" in order to woo the responses from totalitarian states, there is no chance of this formula being accepted by governments with which we would like to negotiate.

All who are aware of the faults of the American press deplore them and have worked for their correction. But a completely free press will cancel out its own evils long before any government would.

If the servants of the people in government are permitted to control the voice of those who select the servants, the only recourse the people have left is forceful rebellion. And Jefferson's idea still holds—that freedom of the press is the substitute for rebellion.

Those who talk about responsibilities and obligations use language that almost parallels that employed in England in 1680 when the king and the judiciary decided to put down "lies or vain reports which are many times raised on purpose to scandalize the government", etc. That effort of government against "lies" was so disastrous to truth, public welfare and individual freedom that it became one of the precedents for the American concept that the press must be free, not fettered by any magistrates of government.

We wish to impress upon you that there is unanimity among the communication media of the United States that we should enter into no treaty with any country on any terms that shrink American practice one jot. We cannot abridge freedom of the press under our Constitution; we should not do it under a treaty. We who have worked on this draft think that it would be far better to have an agreement with a half-dozen nations consistent with the American belief that the free press is the defender of the people's rights than to agree with all the nations of the world on any pact or treaty that would change our traditional conception of the independence of the press.

Sincerely yours,

RICHARD J. FINNEGAN

Department of State Bulletin

DRAFT OF A TREATY ON FREEDOM OF INFORMATION

Individuals and peoples improve their understanding of each other through communication of facts and ideas. In order to promote freedom of expression by every means of communication, including speech, writing, press, radio, motion picture and art, and to assure to their respective peoples the benefits of free access to information and opinion, the High Contracting Parties agree to the following articles:

ARTICLE 1. For the purposes of simplification and understanding, certain terms used hereinafter are hereby defined.

(a) "Information agencies" shall mean: Newspaper, magazine and book publishing organizations; press associations and news or feature services; radio and television stations and networks; motion picture producing companies.

(b) "Correspondents" shall mean: Properly accredited journalists, press reporters, photographers, columnists, editors and publishers; radio and television reporters, commentators and technicians; news artists and illustrators; newsreel and other documentary picture production personnel. A correspondent shall be deemed to be properly accredited when he is the holder of a passport duly issued to him by his own nation certifying that he is a correspondent, and provided he is admissible to the nation of destination under its general laws governing the entry of visitors or immigrants.

(c) "Copy" shall mean all reports of information or opinion, whether visual or auditory, intended by correspondents or information agencies for publication.

ARTICLE 2. Correspondents from each signatory (together with their equipment) shall have free ingress to and egress from the territories of the other for the purpose of carrying on the activities of their calling.

ARTICLE 3. Correspondents from each signatory shall be permitted freely to travel within the territories of the other and to have access to all places and all news sources available to the correspondents of the most-favored nation.

ARTICLE 4. All copy of correspondents or information agencies of each signatory shall be permitted free egress from the territories of the other without censorship, deletion or editing. Provided that: each of the signatories may make and enforce regulations applicable to foreign correspondents relating directly to the maintenance of national military security, if such regulations apply equally to all such correspondents. In the event that the copy of any correspondent is detained or delayed the correspondent shall be notified immediately of such action and given a full explanation of the reasons therefor.

ARTICLE 5. The correspondents of each signatory in the territory of the other shall have access to all facilities for the transmission of copy and may transmit copy on the same basis and at the same rates applicable to all other users of such facilities for similar purposes.

ARTICLE 6. Each of the signatories agrees to permit all copy of the information agencies of the other to enter its territory and reach its information agencies on the same conditions as are accorded to information agencies of the most favored nation.

ARTICLE 7. Nothing herein shall be construed as depriving the nationals of any signatory of the remedies provided by the domestic laws of such signatories concerning the publication of libel, slander or obscene material.

ARTICLE 8. (a) In order to facilitate attainment of the objectives of this agreement, the International Information Commission, (hereinafter called the Commission) shall be established, to be composed of representative correspondents or executives of information agencies designated by their respective governments.

(b) The Commission shall have jurisdiction over all causes arising out of a petition filed by a party in interest alleging breach of one or more of the terms of this agreement. It shall be empowered to decide all questions as to its jurisdiction arising hereunder, and to promulgate rules of procedure, evidence and such other rules as it may deem necessary to fulfill its functions hereunder; *Subject to such restrictions as are herein-after set forth.*

(c) A party in interest in the original instance shall be any correspondent or information agency alleging injury because of violation of this agreement.

(d) Opportunity shall be given the respondent to answer the petition. Thereafter, upon the initiative of the Commission or at the request of either party a public hearing shall be held.

(e) Upon conclusion of the hearing, the Commission shall publish a written Report which shall include the findings and opinion of the majority of the Commission, together with any special concurring or dissenting opinions. The Commission, whenever it deems appropriate, may make an abridgement of the Report which shall be published simultaneously with the text of the Report.

(f) In the event of the non-appearance of the respondent in any case arising hereunder, a public hearing shall be conducted *ex parte* and a Report shall issue as in the case of adversary hearings.

(g) The signatories agree that any Report or abridgement thereof, of the Commission, shall be made freely available to all information agencies of all nations, and to such repositories of information as libraries, schools and universities, and shall be made available at cost to all nationals of the respective signatories.

ARTICLE 9. If, after the Commission has issued its report, diplomacy fails to settle any dispute between the signatories concerning the interpretation of this agreement, or the consistency of the report of the Commission with this agreement, either signatory by unilateral application may invoke the jurisdiction of the International Court of Justice.

Soviet Objections to Industrial Plan for Ruhr Refuted

EXCHANGE OF NOTES BETWEEN U.S. AND U.S.S.R.

Text of translation of Soviet note

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August 18, 1947

SIR: On instructions from the Soviet Government I have the honor to communicate the following: The Soviet Government has noticed the announcements published in the press to the effect that at the present time conversations are being conducted between the U.S.A. and Great Britain concerning the revision of the plan of the level of industrial production in Germany adopted March 27, 1946 by the Control Council and the establishment of a special regime for the Ruhr industrial area and that for this purpose it is intended to convene a special conference of the Three Powers, U.S.A., Great Britain, and France.

The existence of conversations of this kind between the United States and Great Britain was confirmed in a statement by Mr. Bevin in the House of Commons on August 4, 1947.

The Soviet Government considers it necessary to draw the attention of the Government of the United States to the fact that questions connected with the revision of the plan of the level of industrial production for Germany, as well as the establishment of any kind of special regime for the Ruhr industrial area, concern Germany as a whole and consequently decisions on them can be taken only with the agreement of the Four Powers occupying Germany.

Accept [etc.].

S. TSARAPKIN

*Chargé d'Affaires ad interim of the
U.S.S.R. in the U.S.A.*

Acting Secretary of State

Mr. ROBERT LOVETT

State Department

Washington

Text of the United States reply which was delivered to the Soviet Chargé in Washington on September 1, 1947

[Released to the press September 2,

August 29, 1947

SIR: I have received the Embassy's note of August 18, 1947 drawing attention to the discussions in London between the United States, the United Kingdom, and France on the level of industry and the Ruhr area in Germany and stating that, in the opinion of the Soviet Government, these matters "concern Germany as a whole and consequently decisions on them can be taken only with the agreement of the four powers occupying Germany."

The United States Government obviously agrees that decisions dealing with Germany as a whole can be taken only by agreement between the four occupying powers which this Government continues to hope will be achieved. However, the United States Government is unable to accept the interpretation of the agreements relating to Germany on which the position of the Soviet Government appears to be based.

For over two years the United States Government has sought persistently to reach agreements on matters affecting Germany as a whole and to implement the provisions of the Berlin Agreement of 1945 which state that Germany should be treated as a single economic unit and to this end certain common policies should be established. The level of industry for Germany as a whole adopted on March 27, 1946 was in fact expressly based on the assumption that Germany would be treated as a single economic unit. Subsequent to the meeting of the Council of Foreign Ministers in Moscow this year, when it became clear that there was no prospect of an early achievement of this objective, it became necessary to adjust the level of industrial

activity in the American and British Zones. In effecting this adjustment in the United States and British Zones, the main objectives in the Berlin Agreement of eliminating the German war potential, developing Germany's agriculture and peaceful industries, and enabling Germany to maintain itself without external assistance, are being observed.

The Soviet Government is certainly aware of the importance of German production to the economic rehabilitation of Europe. This is particularly true in respect of coal from the Ruhr area of Germany. Furthermore, the failure of the Soviet Government to implement the Berlin Agreement has placed upon the United States a heavy financial burden in the occupation of Germany. The United States Government is unable to accept the thesis that nothing can be done to alleviate the financial burden of the United States or to

develop within the framework of the Berlin agreement the contribution of the western zones of Germany to the economic reconstruction of Europe until the consent of the Soviet Government has been obtained. Pending the fulfilment of quadripartite agreement, the United States feels justified in pursuing objectives which have been commonly agreed and making arrangements for that purpose with any other occupying power willing to work toward the common end.

Accept [etc.]

ROBERT A. LOVETT
Acting Secretary of State

The Honorable

SEmen K. TSARAPKIN
Minister Counselor

*Chargé d'Affaires ad interim of the
Union of Soviet Socialist Republics*

Continued Protest Against Stifling of Opposition in Bulgaria

U.S. NOTE TO SOVIET MINISTER FOR FOREIGN AFFAIRS

[Released to the press September 3]

On August 30 Ambassador Smith delivered to the Soviet Ministry of Foreign Affairs a second note of protest against the sentence of death passed on Nikola Petkov and the Bulgarian Parliament's action abolishing the Agrarian Union, the political party of which Mr. Petkov was the leader. This note was in answer to the reply of the Soviet Government of August 25 to the American note of August 23.¹ Text of the note follows:

My Government has received your communication of August 25 concerning the case of Nikola Petkov.

In February 1945 the U.S.S.R., U.K. and U.S. agreed at Yalta to a declaration on Liberated Europe which reads as follows:

"The Premier of the Union of Soviet Socialist Republics, the Prime Minister of the United Kingdom, and the President of the United States of America have consulted with each other in the common interests of the peoples of their countries and those of liberated Europe. They jointly declare their mutual agreement to concert during

the temporary period of instability in liberated Europe the policies of their three governments in assisting the peoples liberated from the domination of Nazi Germany and the peoples of the former Axis satellite states of Europe to solve by democratic means their pressing political and economic problems.

"The establishment of order in Europe and the rebuilding of national economic life must be achieved by processes which will enable the liberated peoples to destroy the last vestiges of Nazism and Fascism and to create democratic institutions of their own choice. This is a principle of the Atlantic Charter—the right of all peoples to choose the form of government under which they will live—the restoration of sovereign rights and self-government to those peoples who have been forcibly deprived of them by the aggressor nations.

"To foster the conditions in which the liberated peoples may exercise these rights, the three governments will jointly assist the people in any

¹ BULLETIN of Sept. 7, 1947, p. 481.

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European liberated state or former Axis satellite state in Europe where in their judgment conditions require (A) to establish conditions of internal peace; (B) to carry out emergency measures for the relief of distressed peoples; (C) to form interim governmental authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of governments responsive to the will of the people; and (D) to facilitate where necessary the holding of such elections.

"The three governments will consult the other United Nations and provisional authorities or other governments in Europe when matters of direct interest to them are under consideration.

"When, in the opinion of the three governments, conditions in any European liberated state or any former Axis satellite state in Europe make such action necessary, they will immediately consult together on the measures necessary to discharge the joint responsibilities set forth in this declaration.

"By this declaration we reaffirm our faith in the principles of the Atlantic Charter, our pledge in the declaration by the United Nations, and our determination to build in cooperation with other peace-loving nations world order under law, dedicated to peace, security, freedom and general well-being of all mankind."

In December 1945 the Foreign Ministers of the U.S.S.R., U.K. and U.S. met in Moscow in accordance with decisions reached at Yalta and later at Potsdam and, with respect to Bulgaria, agreed that "Soviet Government takes upon itself mission of giving friendly advice to Bulgarian Government with regard to desirability of inclusion in Bulgarian Government of the Fatherland Front, now being formed, of an additional two representatives of other democratic groups, who (a) are truly representative of the groups of the parties which are not participating in the Government and (b) are really suitable and will work loyally with the Government."

Mr. Nikola Petkov was and is the titular and actual leader of the Agrarian Union, the principal democratic group outside of the Fatherland Front to which the Moscow agreement had reference. He signed the Armistice Agreement on behalf of Bul-

garia. Despite the manifest unfairness of the manner in which the elections of October 27, 1945 for Constituent Assembly were conducted, the Fatherland Front Government was obliged to concede that Mr. Petkov's adherents had polled over 1,200,000 votes, or some 29 percent of the total.

For reasons well known to the Soviet Government, the Moscow agreement was not implemented. On the contrary, the Fatherland Front inaugurated a campaign of terrorization and intimidation against the Bulgarian opposition with the obvious aim of attaining its dissolution. This campaign has resulted in the scandalous trial, conviction and sentence to death of Mr. Petkov and in the abolition of the Agrarian Party by parliamentary decree of August 26th as well as in various other repressive measures against Agrarian leaders.

The United States Government cannot accept the position taken by the Soviet Government in your note under acknowledgment. The Petkov case, involving the leader of the principal opposition party, obviously vitally affects the existence of representative government in Bulgaria. Thus it is clearly within the purview of the Yalta Agreement in which the establishment of such a Government was declared to be of concern to the three powers and warrants a review by them. The contention that the matter is of purely internal Bulgarian concern cannot relieve the Yalta Powers from their commitment to concert their policies in regard to developments of this nature. As for Bulgarian sovereignty, it may be remarked that Bulgaria is still under armistice control. The Soviet attitude, therefore, violates Soviet obligations assumed at Yalta and is a negation of the rights of the United States as a signatory to the Bulgarian armistice.

The Bulgarian parliamentary action in abolishing the Agrarian Union, which constitutes the latest development in the repressive campaign against the rights and liberties of members of that party has removed from Parliamentary participation the last of the 90 deputies elected by the Agrarians to that body. Parliamentary opposition to the Government Fatherland Front bloc now consists of 8 deputies of the Opposition Social Democratic Party in a chamber of which the total membership numbers 465. Any pretense that such a situation is consistent with the conduct of

representative government in Bulgaria is manifestly preposterous. Accordingly, pursuant to its Yalta obligations, the United States Government requests that, in addition to reviewing the Petkov

case, the U.S.S.R., U.K. and U.S. also consult with a view to reaching a concert of policies in regard to the conditions created by these related developments.

Soviet Notes Rejecting Plan for Reopening of Dairen to International Trade

[Released to the press September 2]

Translation of a substantial portion of the reply of the Soviet Ministry of Foreign Affairs, dated August 26, to the U.S. note of August 14, 1947, in regard to Dairen. The Soviet reply was delivered to the American Embassy at Moscow on August 27:

. . . In reply to the Embassy's note No. 689, of August 14,¹ on the question of the opening of Dalny² for international commerce (the Soviet Ministry of Foreign Affairs) has the honor to refer to its note No. 103 of February 27, 1947 in which it was stated that the status of Dalny is defined by the special Soviet-Chinese agreement regarding Dalny of August 14, 1945.³

As is known, in accordance with that agreement, Dalny during the existence of a state of war with Japan falls under the regime which has been set up in the Naval base of Port Arthur. Inasmuch as the state of war with Japan is not terminated because there is as yet no peace treaty with Japan, naturally, the regime of the naval base continues to prevail over Dalny.

Considering this circumstance, as well as the fact that civil administration of the Chinese Government for reasons beyond Soviet control, has not as yet undertaken fulfillment of its functions in Dalny, the Soviet Government sees no basis for a change of regime which at the present time exists in Dalny. The Soviet Government in this connection categorically rejects, in view of above-mentioned circumstances, any attempt to burden it with responsibility for treatment of American interests.

Translation of Soviet Note of February 27, 1947

MINISTRY OF FOREIGN AFFAIRS

No. 103

The Ministry of Foreign Affairs of the USSR presents its compliments to the Embassy of the

United States of America and, in reply to the Embassy's Note No. 3 of January 3 of this year on the question of the Port of Dairen and the Chinese Changchun railway,⁴ has the honor to inform it as follows:

As is well known, the status of Dairen and the Chinese Changchun Railway is defined by the Soviet-Chinese agreements of August 14, 1945 regarding the Port of Dairen and the Chinese Changchun Railway, and accordingly questions arising in connection with these agreements come within the competence of the Governments of the USSR and China. The Soviet Government for its part has always expressed its readiness for appropriate steps and has done everything possible for the exact execution of these agreements.

Mention in the Embassy's note of the abnormal situation in the Far East, which evidently envisages the situation in China, cannot be regarded as a reason for laying any responsibility for this situation on the USSR.

As regards the district of the Port Arthur Naval Base provided for in the Soviet-Chinese agreement, as well as Dairen, the Soviet Government has applied and is applying all possible measures, so far as depends upon it, for the establishment of a normal situation in this district and in the city of Dairen.

It is not necessary to speak here in detail of the agreement which was concluded at the Moscow Conference of the Three Ministers in December 1945 on the question of the withdrawal both of Soviet and American troops from China. The Soviet Government considers that the exact execution both by the Soviet Union and the United States of America of this agreement and of other conditions provided for by the Moscow agreement

¹ BULLETIN of Aug. 31, 1947, p. 436.

² Russian name for the port of Dairen.

³ BULLETIN of Feb. 10, 1946, p. 201.

⁴ BULLETIN of Jan. 19, 1947, p. 127.

THE RECORD OF THE WEEK

has a highly important significance for the establishment of a normal situation in China. For its part the Soviet Government has done everything which the agreement demanded of it, having already concluded the withdrawal of Soviet troops from Manchuria in the spring of last year.

Moscow, February 27, 1947.

**TO THE EMBASSY
OF THE UNITED STATES OF AMERICA
Moscow**

THE DEPARTMENT

**George C. McGhee Departs for Survey of
Greek-Turkish Aid Program**

[Released to the press September 4]

The Department of State announced on September 4 that George C. McGhee, Coordinator of Aid to Greece and Turkey, would leave on that date for a three to four weeks' survey of aid activities in those countries.

Mr. McGhee was scheduled to depart from La Guardia Airport at 7 p. m. via commercial airline and was to proceed directly to Athens on the first leg of his trip.

Besides talks with Dwight P. Griswold, Chief of the Mission for Aid to Greece, and Edwin C. Wilson, Ambassador to Turkey and Chief of the Mission for Aid to Turkey, Mr. McGhee will study mission activities generally in both countries and will make brief visits to interior points in both countries. He is expected to spend approximately two weeks in Greece before going to Ankara, Turkey.

Mr. McGhee's survey is primarily intended to effect a closer liaison between the two field missions and his office in Washington. He will discuss several routine problems that have arisen in connection with the mission, among these being the reconstruction program in Greece, the establishment of a Greek foreign trade administration, and the financing of Greek imports through private trade channels. Discussions with the Turkish Mission will include the implementation of the report of the survey group to Turkey and plans for dispatching personnel from the United States to assist the Mission to Turkey.

During Mr. McGhee's absence, Walter Wilds, Deputy Coordinator, will be Acting Coordinator of Aid to Greece and Turkey.

**Charles E. Saltzman Sworn In as
Assistant Secretary**

Charles Eskridge Saltzman was sworn in on September 2 as Assistant Secretary of State. Mr. Saltzman succeeds Maj. Gen. John H. Hilldring, whose resignation was effective September 1.

Mr. Saltzman is responsible for this Government's policies in the occupied areas, namely, Germany, Japan, Austria, Korea, and the Venezia Giulia area of Italy.

The nomination of Mr. Saltzman for Assistant Secretary of State was sent to the Senate on June 19 and was confirmed on July 1.

"The United States and Non-Self-Governing Territories"

[Released to the press August 25]

The Department of State released on August 25 *The United States and Non-Self-Governing Territories*, which is chiefly a summary of information regarding the relations of the United States with those non-self-governing and trust territories which come within the purview of chapters XI, XII, and XIII of the Charter of the United Nations. The pamphlet traces the development of international responsibility with regard to the administration of such areas from the end of the nineteenth century through the mandate system of the League of Nations during the inter-world-war period to the establishment of the Trusteeship Council of the United Nations. United States policy toward those dependent areas for which it has assumed administrative responsibility is also summed up as a background for United States participation in the establishment of international machinery for the political, economic, social, and educational advancement of the peoples of non-self-governing territories.

The publication contains a map of "non-self-governing and trust territories and two charts illustrating the international trusteeship system and the United Nations organization. The appendix includes selected documents which provide the most relevant official statements and agreements in regard to trusteeship and non-self-governing territories. This section includes the trusteeship agreement for the Trust Territory of the

Pacific Islands proposed by the United States and approved by the Security Council on April 2, 1947. Since this publication went to press on April 5, the Congress of the United States has passed enabling legislation authorizing the President to put the agreement into effect. President Truman signed the instrument of approval placing these former Japanese Mandated Islands under United States trusteeship on July 18, 1947.

This pamphlet will be sold by the Superintendent of Documents, Washington 25, D.C., for 30 cents a copy with a 25 percent discount to purchasers of 100 copies or more.

Eugene H. Clay Joins AMAG

The Department of State announced on August 26 that Eugene Herbert Clay of New York City has been appointed economic adviser to Dwight P. Griswold, Chief of the American Mission for Aid to Greece, and will leave this week end for Athens to join the Mission.

U.S. and Sweden Raise Legations to Embassies

[Released to the press September 2]

The Government of Sweden has accepted a proposal made by the Government of the United States that their respective diplomatic missions at Stockholm and Washington be raised to embassies and that ambassadors be exchanged. The date for effectuating the elevation of the two legations to the rank of embassy will be announced later.

Erratum: Arming the United Nations

In the BULLETIN SUPPLEMENT dated August 3, 1947, page 259, transpose lines 9-12 in the left-hand column, "Article 17: Position of the Chinese Delegation: The Chinese Delegation upholds this Article because of the following considerations:", to precede the last line in the same column.

THE CONGRESS

Trusteeship Agreement for the Territory of the Pacific Islands: Hearing before the Committee on Foreign Relations, United States Senate, 80th Cong., 1st sess., on S. J. Res. 143, joint resolution authorizing the President to approve the trusteeship agreement for the Territory of the Pacific Islands. July 7, 1947. iii, 22 pp.

Government Corporations Appropriation Bill for 1948: Hearings before the Subcommittee of the Committee on Appropriations, United States Senate, 80th Cong., 1st sess., on H.R. 3756, an Act making appropriations for Government corporations and independent agencies for the fiscal year ending June 30, 1948, and for other purposes. ii, 637 pp.

United States Membership in the World Health Organization: Hearings before Subcommittee No. 5—National and International Movements of the Committee on Foreign Affairs, House of Representatives, 80th Cong., 1st sess., on H. J. Res. 161, a joint resolution providing for membership and participation by the United States in the World Health Organization and authorizing an appropriation therefor. June 13, 17, and July 3, 1947. iv, 124 pp.

German Special Deposit Account: Hearing before the Committee on Interstate and Foreign Commerce, House of Representatives, 80th Cong., 1st sess., on H.R. 4043, a bill to change the order of priority for payment out of the German special deposit account and for other purposes. July 15, 1947. iii, 39 pp.

Institute of Inter-American Affairs: Hearings before Subcommittee No. 4—State Department Organization and Personnel of the Committee on Foreign Affairs, House of Representatives, 80th Cong., 1st sess., on H.R. 4168, a bill to provide for the reincorporation of the Institute of Inter-American Affairs, and for other purposes. June 20 and 27, 1947. iv, 97 pp.

Miscellaneous Bills: Hearings before the Committee on Ways and Means, House of Representatives, 80th Cong., 1st sess., on bills referred to the Committee on Ways and Means. May 14, 15, and 16, 1947. viii, 243 pp.

Amending Nationality Act of 1940: Hearings before Subcommittee on Immigration and Naturalization of the Committee on the Judiciary, House of Representatives, 80th Cong., 1st sess., on H.R. 2286, a bill to amend the Nationality Act of 1940. Serial No. 8: June 30, 1947. iii, 43 pp.

Authorizing the Transfer of a Portion of Fort McIntosh, Laredo, Tex., to the United States Section, International Boundary and Water Commission: Hearings before a Subcommittee of the Committee on Expenditures in the Executive Departments, House of Representatives, 80th Cong., 1st sess., on H.R. 2225, a bill authorizing the transfer to the United States section, International Boundary and Water Commission, by the War Assets Administration, of a portion of Fort McIntosh at Laredo, Tex., and certain personal property in connection therewith, without exchange of funds or reimbursement. May 16, 1947. iii, 23 pp.

Reciprocal Trade Agreements Program: Hearings before the Committee on Ways and Means, House of Representatives, 80th Cong., 1st sess., on the operation of the Trade Agreements Act and the proposed International Trade Organization. Part II: April 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, May 1, 2, 5, 6, 7, 8, and 9, 1947. xiii, pp. 301-1731.

Sugar Situation: Hearings before Subcommittee of the Committee on Agriculture, House of Representatives, 80th Cong., 1st sess. January 21, 1947. iii, 82 pp.

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Contributors

Stephen Latchford, author of the article on CITEJA and the Legal Committee of ICAO, is a specialist on air law matters in the Department of State. He was chairman of the U.S. Section of CITEJA and an adviser to the U.S. Delegations to the Assembly of PICAQ and the First Assembly of ICAO. For other articles by Mr. Latchford, see BULLETIN of May 19, 1946, p. 835, and Nov. 17, 1946, p. 879.

Percy de F. Warner, author of the article on the South American and South Atlantic Regional Meetings of the ICAO, is Civil Air Attaché at the American Embassy at Rio de Janeiro and served as adviser to the United States Delegation at both regional meetings.

Galen Jones, author of the article on the 10th International Conference on Public Education, is Director of the Division of Secondary Education in the United States Office of Education. Mr. Jones served as Chairman of the U.S. Delegation to the Conference.